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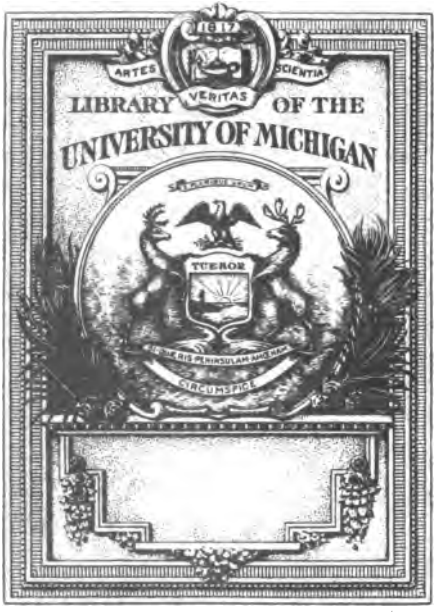

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PALEY'S

MORAL PHILOSOPHY,

ABRIDGED AND ADAPTED

TO THE

Constitution, Laws, and Usages,

OF THE

UNITED STATES OF AMERICA.

BY B. JUDD, A.M.

RECTOR OF ST. JAMES'S CHURCH, NEW LONDON, CONN.

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BE IT REMEMBERED, That on the tenth day of September, in the fifty-first year of the Independence of the United States of America, COLLINS & HANNAY, of the said district, have deposited in this office the title of a book, the right whereof they claim as proprietors, in the words following, to wit:

"Paley's Moral Philosophy, Abridged and Adapted to the Constitution, Laws, and Usages, of the United States of America. By B. Judd, A. M. Rector of St. James's Church, New London, Conn."

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PREFACE.

PALEY'S Moral Philosophy is one of the most useful works in the English language, containing more of solid thought and moral instruction, adapted to the improvement of the mind, the heart, and the morals of society, than almost any other publication; but as it was written for the instruction of a foreign nation, whose government is different from our own, it contains many things contrary to the constitution, laws, and usages of this country. And it is a book too large for our ordinary seminaries of learning, and for most private families.

To remedy these defects, and to place the substance of this useful volume within the reach and comprehension of every one, and particularly to adapt it to the use of our seminaries of learning, the present abridgment is published.

The writer has generally retained, as much as possible, the language of his author: and he trusts that in this abridgment will be found the *substance* of the original, so far as that is adapted to this country.

He has taken, however, the liberty to omit a few objectionable parts, and occasionally to supply deficiencies, and in the place of a Treatise on the British Constitution, to substitute a Compend of the Constitution of the United States.

In all our respectable schools there are some scholars capable of understanding the science of moral philosophy; and every teacher who will make the experiment to instruct them in it, from this plain and easy abridgment, will soon discover its utility, and its tendency to regulate the morals and manners, and also the minds of his pupils.

The parent of every family, who wishes his children to know their duty, and the reasons of it, will find this small volume a concise and easy means for their instruction. The answers to the several questions comprise a system of moral instruction that may be easily implanted upon their memories, ready for use when occasion requires it.

Every individual who has not access to the original, and they who have, but wish to review it often, and without loss of time, will find this abridgment a convenience.

The writer claims nothing of commendation, but hopes that his humble efforts may be found practically useful. With these hopes, this small volume is given to the public, by their

Humble Servant,

THE AUTHOR.

MORAL PHILOSOPHY.

BOOK I.

CHAPTER I.

DEFINITION AND USE OF THE SCIENCE.

Moral Philosophy, Morality, Ethics, Natural Law, mean the same thing; namely, that science which teaches men their duty and the reasons of it.

The study of this science is useful to remedy the defects of the ordinary rules of morals, and to show the application of correct rules.

These rules are, the law of honour, the law of the land, and the Holy Scriptures.

CHAPTER II.

THE LAW OF HONOUR.

The law of honour is a system of rules constructed by people of fashion, and calculated to facilitate their intercourse with one another, and for no other purpose.

This prescribes and regulates the duties between equals, omitting such as relate to God and to our inferiors; as public and private devotion,

cruelty to servants, want of charity to the poor, and numberless examples of the same kind.

The law of honour, being constructed for men of fashion and pleasure only, is favourable to the indulgence of the licentious passions; as drunkenness, prodigality, duelling, and revenge; and it lays no obligation upon men to practise virtue.

CHAPTER III.

THE LAW OF THE LAND.

The law of the land consists in the civil regulations of a country, or any portion of it which may have been established for the protection of the rights, and for the redress of the wrongs of the community.

This is necessary for the protection of the innocent and the punishment of the guilty; but that part of mankind who are beneath the law of honour, and the law of God, are satisfied with themselves, so long as they do or omit nothing, for the doing or omitting of which, the law cannot punish them.

Human laws, therefore, labour under the two following defects:

1. They omit many duties, as piety to God, bounty to the poor, the education of children, and gratitude to benefactors.

2. They permit many crimes that cannot be defined by any previous description, as luxury, prodigality, parsimony, disrespect to parents, and a multitude of similar examples.

Where the distinction between right and wrong is of too subtile or of too secret a nature to be ascertained by any preconcerted language, the laws of most countries, rather than commit the liberty of the subject to the discretion of the magistrate, leave men in such cases to themselves, and the dictates of their own consciences.

CHAPTER IV.

THE SCRIPTURES.

THE Holy Scriptures contain the most perfect laws for human government; for they impose their obligations, not only upon the outward behaviour, but upon the consciences of men, adding to them the highest motives and the strongest inducements to obedience.

Morality is taught in the scriptures by general rules of piety, justice, benevolence, and purity; such as worshipping God in spirit and in truth, doing as we would be done by, loving our neighbour as ourselves, forgiving others as we expect forgiveness from God, and that mercy is better than sacrifice. Some of these rules are illustrated by examples, as in the good Samaritan, the poor widow who cast in her only mite, the censure of the Pharisees who chose out the chief rooms, and the cruel servant who refused to his fellow-servant that compassion which his master had shown to him.

CHAPTER V.

MORAL SENSE.

MORAL sense is the *intuitive* perception of right and wrong.

The following are among the reasons that are given in proof of a moral sense; viz. that we approve of examples of generosity, gratitude, and fidelity, and that we condemn the contrary, without having any interest of our own, and many times without being conscious of any particular reason for the determination of our own minds; that the same sort of conduct is approved or disapproved in all countries, and has been so in all ages.

On the other side of the question, it is denied that there is any uniformity, and it is asserted, that in one country it is esteemed an office of piety in children to sustain their aged parents, and in another, to despatch them out of the way; that suicide in one age of the world has been considered an act of heroism, and in another, felony; that theft, which has been punished by most laws, by the laws of Sparta was not unfrequently rewarded; that moral approbation follows the customs of the country we live in; that experience and education are the governing principles of human approbation; and that imitation lends its aid in establishing moral sentiments.

Upon the whole, it seems that either there is

no instinctive moral sense, or that it is not now to be distinguished from prejudices and habits, on which account it cannot be depended on in moral reasoning, and we may well enough view the question of a *moral sense*, as rather curious than useful.

CHAPTER VI.

HUMAN HAPPINESS.

HAPPINESS is a relative term.

Any condition may be denominated happy, when the amount of pleasure exceeds that of pain, and the degree of happiness depends upon the quantity of this excess. We mean by happiness the greatest quantity of enjoyment attainable in human life, when we inquire or pronounce what happiness consists in.

To explain this subject I will show,

I. What human happiness does not consist in.

II. What human happiness does consist in.

1. Happiness does not consist in the pleasures of sense. By pleasures of sense, I mean, as well the animal gratifications of eating and drinking, as the more refined pleasures of music, dancing, painting, splendid shows, theatrical exhibitions, hunting, shooting, fishing, &c. These pleasures are of short duration. This is true of them all, especially of the grosser sort of them.

These pleasures lose their relish by repetition. The eagerness for intense delights takes

away the relish for others, and as these are seldom within our reach, the greater part of our time becomes empty and uneasy.

Expectation often promises too much, so that when we expect to be very much delighted, we seldom fail of disappointment.

The men who pursue pleasure the most eagerly, are always restless and miserable when deprived of it, and the shortness of its duration leaves a very great proportion of their time for painful reflections, so that we may safely say, that happiness is not to be found in the pleasures of sense.

2. Happiness does not consist in an exemption from pain, labour, care, business, suspense, molestation, and those evils that are without; for imaginary or painful anxieties fill up the chasm, and supply the place of care and business. A moderate pain, upon which the attention may fasten and spend itself, is to many a refreshment; as a fit of the gout, a controversy, or law suit will sometimes cure the spleen.

3. Happiness does not consist in greatness, rank, or elevated station.

Superiority gives us no pleasure, except it is possessed or obtained over them with whom we compare ourselves.

The shepherd perceives no pleasure in his superiority over his dog, nor the nobleman in his superiority over the shepherd, for this kind of superiority is never contemplated. But if the same shepherd has a better flock than any one in the village, he feels all the pleasure of distinction that is felt by the nobleman, who has

more influence at court than another nobleman with whom he compares himself.

The pleasures of ambition are common to all stations. It is not what a man possesses, but what he possesses more than his rival, that constitutes the pleasure of ambition.

If happiness consisted in greatness, the greater man would be the happier man, but this is not so. The pleasure of success in any station may be exquisite, but in the pursuit there is pain and anxiety more than enough to overbalance all the enjoyment derived from success.

II. We have seen what happiness does not consist in.

We are next to consider in what it does consist.

We can judge of this only from appearance, and though the *apparent* happiness of mankind is not always a true measure of their *real* happiness, yet this is the best measure that we have.

1. Happiness consists in the exercise of the social affections.

Those persons commonly possess good spirits who have about them objects of affection and endearment, as wife, children, kindred, and friends, and this is more frequently the case when their maintenance or their respectability requires bodily or mental exertions. And there is a pleasure in seeing others pleased, that cannot be found in solitude.

2. Human happiness is increased by the exercise of our faculties, either of body or mind, in the pursuit of some engaging end.

We must have something in reserve, some

object of hope or anticipation, without which, there is always dejection of spirits.

Hope is of two kinds, as where there is something to be done, to obtain the object of our wishes, and where there is nothing to be done. The first only is of any value, and the latter is apt to create impatience by compelling us to sit still and wait, which soon grows tiresome.

To provide ourselves with a succession of pleasurable engagements, is a desirable object, and to effect this we must have judgment in the choice of ends adapted to our opportunities, and the talent of transferring a plea-ure to the means, by which the end is to be attained.

A man who is in earnest in his endeavours after the happiness of a future state, has an advantage over all the world: for he has constantly before his eyes an object of supreme importance, productive of perpetual engagement and activity, the pursuit of which, lasts him to his life's end.—Yet he must have many ends besides the ultimate end, but they all conduct him to that, and derive their satisfaction either directly or indirectly from that great source of anticipated enjoyment. For the pursuit of happiness, engagement is every thing, and the more advantageous our engagements are, the more happiness they bring along with them. Such are the planning of laws, institutions, manufactures, charities, improvements, public works, and exertions to carry them into effect; or upon a smaller scale, the procuring of a maintenance and fortune for our families, in a course of industry and application to our callings, training up our children, making ourselves masters of a

language, or science, improving or managing an estate, or any engagement that is innocent—even the cultivation of a flower is better than no employment.

When the mind is engaged in any lawful business, we are commonly happy; but when the mind is wandering, we are often miserable.

3. Happiness depends upon the prudent constitution of the habits.

The art in which the secret of human happiness in a great measure consists, is to set the habits in such a manner that every change may be a change for the better.

The epicure receives no greater pleasure from his dainties, than the peasant does from his bread and cheese, but whenever the peasant has any thing better, he enjoys it, whereas the epicure must always be well entertained to escape disgust.

The indulgent mother who strives for dainties to gratify her children, makes them unhappy in proportion to her success; for their fancies are not long pleased with the same thing; and they have continued pain, when they are deprived of what they wish for; whereas the judicious mother that feeds them with plain and wholesome food, besides the blessing of health, gives them the means of enjoying at proper seasons the luxuries of nature and art. A student who is inured to books of science, may take pleasure in a novel, or a well-written essay, and return again without pain to the pursuit of science; but the one who reads only works of humour or pleasantry, will soon exhaust his stock, and be left without any resource of innocent

amusement. So far as circumstances of fortune conduce to happiness, it is not the income that a person possesses, but the increase of income that affords the enjoyment. A man who begins with an hundred pounds a year, and increases his income to a thousand, has more satisfaction than the man who set out with ten thousand and has diminished it to one thousand; though their income is at last the same, the enjoyment is vastly different.

4. Happiness consists in health.

By health, I understand not only a freedom from disease, but tranquillity, firmness, and alacrity of mind, that we commonly call good spirits. This gives not only a relish to objects of sense, but it is a means of improving the works of nature and art, to the gratification of the mind and of the imagination.

Health, in this sense, is the one thing needful; therefore, no pains, self-denial, or sacrifice, can be too great to be made for it. This is an enjoyment that the Deity hath annexed to life, and ought not to be trifled with, and it is best preserved by temperance and moderation both of body and of mind. Resignation to the dispensations of Providence may give us happiness under the pains of disease, and this is a virtue to be sought for by all, as a security in time of sickness and adversity, which we have no reason to hope to escape.

The conclusion is, first, that happiness is pretty equally distributed among the different orders of civil society; secondly, that vice has no advantage over virtue, even with respect to this world's happiness.

CHAPTER VII.

VIRTUE.

VIRTUE is the doing good to mankind, in obedience to the will of God, and for the sake of everlasting happiness.

According to this definition, the good of mankind is the *subject*; the will of God the *rule*, and everlasting happiness the *motive* of human virtue.

Virtue has been variously divided by men, who have written on the subject, but the most common division at this day, is into duties to God, to man, and to ourselves.

To God; as piety, reverence, resignation, gratitude, &c.

To man; as justice, charity, fidelity, &c.

To ourselves; as chastity, sobriety, temperance, preservation of life, care of health, &c.

These duties are very concisely expressed in the Catechism of the P. E. Church.

"My duty towards God is to believe in him, to fear him, and love him, with all my heart, with all my mind, with all my soul, and with all my strength, to worship him, to give him thanks, to put my whole trust in him, to call upon him, to honour his holy name, and his word, and to serve him truly all the days of my life."

"My duty towards my neighbour is, to love him as myself, and to do to all men as I would they should do unto me. To love, honour, and obey the civil authority. To submit myself to all my governors, teachers, spiritual pastors, and masters. To order myself lowly, and

reverently to all my betters, to hurt nobody by word or deed. To be true and just in all my dealings. To bear no malice, nor hatred in my heart. To keep my hands from stealing, and my tongue from evil speaking, lying, and slandering. To keep my body in temperance, soberness, and chastity. Not to covet, nor desire other men's goods, but to learn and labour truly to get mine own living, and to do my duty in that state of life, unto which it shall please God to call me."

Habit has so much influence upon our actions, that, on most occasions, we do not stop to reason, and to refer to principles, but we are determined, without reflecting upon the tendency of our actions. On some few, and great occasions, we deliberate, but in the rapidity of thoughts and multiplicity of actions, there is not time to compare every one with the exact standard of virtue; and we are determined by habit, without any immediate reference to the correctness of the principle.

If we are in so great a degree passive under our habits, where, it is asked, is the exercise of virtue or the guilt of vice, or any use of moral or religious knowledge? I answer, in forming and contracting these habits.

A man of confirmed good habits, will practise virtuous any actions, without any consideration, at the time of the performance of the actions, merely from the tendency produced by a habit of virtue.

For instance, if a man have a dread of lying, and a habit of speaking the truth on all occasions, it is not easy for temptation to draw him from his accustomed practice of speaking the truth.

There are habits of drinking, swearing, and lying, which are commonly called so, but there are also habits of every modification of action, speech, and thought.

There are habits of industry, attention, reasoning, methodizing, and reflection, as well as indolence and inattention.

There is not a quality nor function, either of body or of mind, which does not feel the influence of this great law of animated nature, for "Man is a bundle of habits."

Upon principles of scripture morality, we may advance the following general positions.

1. That a state of happiness cannot be expected by those who are conscious of no moral or religious rule.

2. That a state of happiness is not to be expected by those who reserve to themselves the habitual practice of any one sin, or the neglect of any one known duty.

When our duties are recited in Scripture, they are put collectively, that is, they are all required to constitute the Christian character; as "add to your faith virtue, and to virtue knowledge, and to knowledge temperance, and to temperance patience, and to patience godliness, and to godliness brotherly kindness, and to brotherly kindness, charity."

On the other hand, when vices are enumerated, they are put disjunctively, that is, severally, excluding the sinner from the kingdom of heaven, as, "neither fornicators, nor idolaters, nor adulterers, nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners, shall inherit the kingdom of heaven." The omission of one

of these virtues is a departure from duty, as also the commission of one of these offences.

3. A state of mere unprofitableness will not go unpunished.

This is expressly laid down by Christ, in his parable of the talents. "Take therefore the talent from him (the slothful servant) and give it unto him that hath ten talents; for unto every one that hath shall be given, and he shall have abundance, but, from him which hath not, shall be taken away even that which he hath; and cast ye the unprofitable servant into outer darkness, there shall be weeping and gnashing of teeth."

In every question of conduct, where one side is doubtful, and the other safe, we are bound to take the safe side.

Suppose, for example, it appears doubtful with a reasoner on the subject, whether he may lawfully destroy himself.

He can have no doubt but that he may lawfully let it alone. This is a case in which one side is doubtful and the other safe. By the conditions of the rule, he is bound to take the safe side, that is, to forbear offering violence to himself.

It is not merely prudent to take the safe side, in all doubtful cases, but it is a duty, and it is sanctioned as such by the declaration of an Apostle, "to him that esteemeth any thing to be unclean, to him it is unclean. Happy is he that condemneth not himself, in that thing which he alloweth, and he that doubteth is damned (condemned) if he eat, for whatsoever is not of faith (done with a full persuasion of the lawfulness of it) is sin."

BOOK II.

MORAL OBLIGATION.

CHAPTER I.

THE QUESTION, WHY AM I OBLIGED TO KEEP MY WORD? CONSIDERED.

WHY am I obliged to keep my word? Because it is right, says one. Because it is agreeable to the fitness of things, says another. Because it is conformable to reason and nature, says a third. Because it is conformable to truth, says a fourth. Because it promotes the public good, says a fifth. Because it is required by the will of God, concludes a sixth.

From these different accounts, two things are observable.

1. They all ultimately coincide.

The fitness of things means, their fitness to produce happiness; the nature of things means, the tendency of such things to produce happiness.

For what promotes the public happiness upon the whole, is agreeable to the fitness of things, to nature, to reason, to truth, and to the will of God.

2. These answers all leave the matter short; for the inquirer may ask, why am I obliged to do what is right, to act agreeably to the fitness

of things, to conform to reason, nature, or truth, to promote the public good, or to obey the will of God?

The proper method of conducting the inquiry is, First, to examine what we mean when we say, a man is *obliged* to do any thing, and, Secondly, to show, why he is *obliged* to do the thing which we have proposed as an example, namely, "to keep his word."

CHAPTER II.

WHAT WE MEAN, WHEN WE SAY A MAN IS OBLIGED TO DO ANY THING.

A MAN is said to be *obliged*, when he is urged by a violent motive, resulting from the command of another.

First, the motive must be violent.

If a man who has done me some little service ask me for my vote, I may give it to him from a sense of gratitude, but I cannot by this be obliged to do it. But if a father or benefactor, on whom my maintenance depends, require my vote, I can say, that I was obliged to vote as he directed me.

Secondly, It must result from the command of another.

If a gratuity is offered to a man, to induce him to seize an offender, he may be tempted or persuaded, but he is not thereby obliged to do it. But when the magistrate commands, he considers himself obliged to comply.

CHAPTER III.

THE QUESTION, WHY AM I OBLIGED TO KEEP MY WORD? RESUMED.

WHY am I obliged to keep my word? Because I am urged to do so by a violent motive, (namely, the expectation of being after this life rewarded if I do, or punished if I do not,) resulting from the command of another, (namely, of God.)

Private happiness is the motive, and the will of God the rule.

Moral obligation is like all other obligations, and that obligation is nothing more than an inducement of sufficient strength, and this resulting in some way from the command of another.

The difference between an act of prudence, and an act of duty is this, that prudence relates to things temporal, duty to things eternal as well as temporal.

It is absurd to attempt to form a code of moral rules, without making the moral system of the Scriptures the basis, and in the following treatise, we shall take for granted, not only that the morality of the scriptures is correct, but that after death, a reward will be bestowed upon the obedient, and punishment will be inflicted upon the disobedient.

CHAPTER IV.

THE WILL OF GOD.

To inquire what is our duty, or what we are obliged to do in any instance, is to inquire what the will of God is in that instance.

There are two methods of coming at the will of God.

1. By his express declarations in the scriptures.

2. From the light of nature.

The object of both natural and revealed religion is the same, *the discovery of the will of God.* Where this will is plainly declared, there is no need of any reasoning upon the matter; but where the design must be inferred, by comparison with known qualities or attributes, there the principles of natural religion may be brought to the aid of human reason.

The method of coming at the will of God, concerning any action, by the light of nature, is to inquire into the tendency of the action, to promote or diminish the general happiness.

This rule proceeds upon the presumption that God Almighty wills and wishes the happiness of his creatures, and that the actions, which accord with that will, are agreeable to Him, and that such as do not accord with that will, are disagreeable to Him.

CHAPTER V.

THE DIVINE BENEVOLENCE.

When God created the human species, either he wished their happiness, or he wished their misery, or he was indifferent and unconcerned about both.

If he had wished our misery, he might have

made our senses instruments of pain to us. He might have made every taste bitter, every touch a sting, every smell a stench, and every sound a discord.

If he had been indifferent about us, we might impute to our good fortune, the means and capacity for enjoyment. But these are too much to be attributed to chance.

Contrivance proves design, and the predominant tendency of the contrivance, indicates the disposition of the designer.

Evil no doubt exists, but it is never, that we can perceive, the object of contrivance. Teeth are contrived to eat with, not to ache. The sickle is made to reap the wheat, not to cut the fingers.

If you were to describe the instruments of torture or execution, you would say, this is to extend the sinews, this to dislocate the joints, this to break the bones, and this to scorch the soles of the feet. Here pain and misery are the objects of contrivance. But no anatomist ever discovered a system of organization, calculated to produce pains and disease.

The world appears to have been designed for the happiness of its inhabitants, and evil is only incidental. God wills and wishes the happiness of his creatures, and this is the tendency of the design of the Creator in all his works.

CHAPTER VI.

UTILITY.

Actions are right or wrong, according to their tendency. The agent is virtuous or vi-

cious according to his design. Actions are to be estimated by their tendency to promote happiness. It is the *utility* of any moral rule that constitutes its obligation.

Some things may appear useful which are not right; as it may seem to be useful to rob a miser, and to give his money to the poor; to obtain a place by fraud, that we may accomplish some great benefit to the state. But these actions are not useful, for the principle would tend to sanction robbery and fraud, and the same of every other crime.

To understand this subject, we may consider the consequences of actions as twofold, particular and general.

The particular bad consequence of an action, is the mischief which that particular action directly occasions.

The general bad consequence is the violation of some useful general rule.

The *particular* bad consequence, of the robbery above mentioned, is the pain the miser may experience in the loss of his money. The *general* bad consequence is the violation of this general rule: *that no man take the property of another, but by authority of law.* An action may have no *particular* bad consequence, yet if the *general* consequence is evil, the action cannot be useful.

But as this solution supposes, that the moral government of the world proceeds from general rules, the necessity of this must be shown.

CHAPTER VII.

THE NECESSITY OF GENERAL RULES.

You cannot permit one action and forbid another, without showing a difference between them; therefore, the same sort of actions must be generally permitted, or generally forbidden. Where, therefore, the general permission of them would be pernicious, it becomes necessary to lay down and support the rule which generally forbids them. For example; the money was taken from the miser to feed and clothe the poor, and the miser was better without his money than with it. If this is allowable in one instance, then no man's money would be safe. for if it is right to rob a miser, and every man must be his own judge of the character of the miser, such a latitude of interpretation would be given to the term, that the property of no man would be safe.

General rules are necessary to every moral government, for without them rewards and punishments would become mere accidents. Whatever reason, then, there is to expect future rewards and punishments at the hand of God, there is the same reason to believe that he will proceed in their distribution by general rules.

Secrecy does not justify any action that is evil in its general consequences, and the Scriptures teach us, that, at the general judgment of the world, the most secret actions will be brought to light; and this will be done to make them

objects of reward and punishment; and when they are brought to light they will fall under the operation of those equal and impartial rules by which God deals with his creatures.

CHAPTER VIII.

THE CONSIDERATION OF GENERAL CONSEQUENCES PURSUED.

THE general consequence of an action may be estimated, by considering the consequences, if the same sort of actions were generally permitted. The guilt of an action is in proportion to the whole mischief that would arise from the impunity and toleration of actions of the same sort. "Whatever is expedient is right;" but it must be expedient in all its effects, collateral and remote. The *particular* consequence of an action may be very insignificant, when the *general* consequence is ruinous to the happiness of society. For instance, the *particular* consequence of coining money is the loss of a dollar to the person who receives the counterfeit money; but the *general* consequence is, the abolition of the use of money. The *particular* consequence of sheep-stealing or horse-stealing is the loss to the owner of the value of the animal stolen, and the *general* consequence is, that the land would not be occupied, nor the market supplied with this kind of stock. The *particular* consequence of breaking into a house, empty of inhabitants, is, perhaps, the loss of a few spoons.

The *general* consequence is, that nobody would leave his house without a guard. The *particular* consequence of an officer's breaking his parole is the loss of a prisoner, who, perhaps, was not worth keeping. The *general* consequence is, that this mitigation of captivity would be refused to all others.

CHAPTER IX.

OF RIGHT.

RIGHT and obligation are reciprocal; that is, wherever there is a right in one person, there is a corresponding obligation upon others. If one has a "right" to an estate, others are obliged to abstain from it. If parents have a right to reverence from their children, children are obliged to reverence their parents.

Moral obligation depends on the will of God, and right, which is correlative, depends on the same. Right, therefore, signifies *the being consistent with the will of God.*

Right is a quality of persons or of actions. Of persons, as when we say that a man has a right to an estate, or that a man has no right over his own life;—of actions, as it is right to punish murder with death; a person's behaviour on such an occasion was right; it is not right to send an unfortunate debtor to jail.

By substitution, you may say, it is consistent with the will of God that a man should have such an estate; it is consistent with the will of

God that a man should not take away his own life; it is consistent with the will of God to punish murder with death; a person's behaviour on such an occasion was consistent with the will of God; it is consistent with the will of God that the unfortunate debtor should not be sent to jail.

CHAPTER X.

THE DIVISION OF RIGHTS.

RIGHTS, when applied to persons, are, *natural* or *adventitious*, *alienable* or *unalienable*, *perfect* or *imperfect*.

Natural rights are such as would belong to man, were there no civil government; as a right to his life, limbs, and liberty; his right to his personal labour, to the use of the air, light, and water.

Adventitious rights are such as are created by the establishment of civil society; as of a general over his soldiers, a judge over the life and liberty of a prisoner, a right to elect or appoint magistrates, to impose taxes, or a right in any one body of men to make laws for another. *Adventitious* rights are derived from human appointment, but as they are agreeable to the will of God, they are not less sacred than *natural* rights, for God wills the happiness of mankind, and he wills the existence of civil society as conducive to that end; wherefore, many things that are useful for the establishment and support of civil society, are consistent with the will of God, and of course they are right.

Alienable rights are such as may be disposed of; as houses, land, money, &c.

Unalienable rights are such as cannot be disposed of; as the right of a prince over his people, of a husband over his wife.

The distinction between *alienable* and *unalienable* rights depends upon the mode of acquiring them. If the right originate from a contract, and be limited to the person by the express terms of the contract, or by the common interpretation of such contracts, or by a personal condition annexed to the right, then it is *unalienable*. In all other cases it is *alienable*.

Perfect rights are such as may be asserted by force or by course of law; as a man's right to his life, person, house, money, and all ordinary articles of property; for if these be attacked, he may repel the attack or punish the aggressor by law.

Imperfect rights are such as may be withheld or taken away, and yet the injured party may have no remedy; as, a poor neighbour has a right to relief, yet, if it is refused him, he must not extort it; a benefactor has a right to gratitude from the person he has obliged, but he has no right to enforce it.

Whenever the right is imperfect, the obligation must be so too. I am obliged to be charitable and grateful, but this obligation is imperfect and the action must be voluntary. This obligation, whether perfect or imperfect, determines only whether it may be enforced by violence or not, but it does not determine the innocence or guilt of the action. A man may have a *perfect* right to an estate, and he may comp-

the surrender of it by a course of law, when he may not have a *moral* right to it; and a man may have a *moral* right to gratitude, when he can have no *perfect* right to enforce it.

Positive precepts commonly produce *imperfect* obligations, as the fifth commandment, "Honour thy father and thy mother, that thy days may be long in the land which the Lord thy God giveth thee."

Negative precepts generally constitute *perfect* obligation, as the sixth commandment, "Thou shalt do no murder."

Religion and virtue find their principal exercise among *imperfect* obligations, and the laws of civil society protect or enforce the *perfect* rights.

CHAPTER XI.

THE GENERAL RIGHTS OF MANKIND.

By *general* rights are meant the rights that belong to mankind collectively, that is, the original stock, which has since been distributed by the rules of civil society.

1. A right to the fruits or vegetable produce of the earth. As the use of these can be attended with no injury, and as God hath created us with a want and desire of food, we may conclude that he intended that we should apply these things to that purpose.

2. A right to the flesh of animals.

This may not be absolutely necessary to human sustenance. The pain given to animals, by

the taking away of life for the support of man, has some reasons for it from the light of nature, such as the care we take of them, and the danger they would occasion us if they were suffered to increase without interruption; but the most substantial reason is given us in the scriptures, whereby God authorized Noah and his posterity to have dominion over every beast of the earth, and by saying "every moving thing shall be meat for you, even as the green herb have I given you all things," he sanctioned the use of animal food. This is the first scriptural sanction that was given for the use of animal food, and whether it was practised before the flood or not we have not means of ascertaining.

Wanton, and what is worse, studied cruelty to brutes, is certainly wrong.

From reason or revelation, or from both, it seems to have been the intention of the Almighty, that the productions of the earth should be applied to the support of human life. It is wrong then to diminish the means of human sustenance, by any unnecessary waste of the products of the earth; as by distillation of spirits from bread corn, when the corn is scarce, or by suffering any portion to perish to enhance the price of the remainder, or by converting land into hunting grounds; for it is the duty of every man to add what he can to the common stock of the necessaries and conveniences of life.

From the same intention of the Almighty, we deduce another conclusion, namely, that nothing ought to be made exclusive property, which can be conveniently enjoyed in common. It is the intention of our Heavenly Father, that the pro

duce of the earth be applied to the use of man. If there is enough for all, and the thing in its nature is capable of being enjoyed by as many as need or wish this enjoyment, it seems an arbitrary usurpation upon the rights of mankind to confine the use of it to any individuals; therefore, medicinal springs, and inexhaustible fisheries, ought to be considered as public property. The same may be said of navigable waters, except such a portion contiguous to any country, as may be necessary for the protection and security of the country; which includes the creeks and bays, and the distance of three leagues from the land.

3. The right of necessity is a general right, and this is to be claimed in extreme cases only. By this is meant a right to use or destroy another's property, when it is necessary for our own preservation; as a right to take without the owner's leave, the first food, clothes, or shelter, we meet with, when we are in danger of perishing for want of them; a right to throw goods overboard, to save the ship, or to pull down a house to stop the progress of a fire, &c.

Restitution is however to be made, when this is practicable, to the value of the property taken or destroyed, at the time it was so taken or destroyed, and this in most cases is very little, considering the dangerous situation in which it was placed, at the time of the destruction of it.

BOOK III.

PART I.

OF RELATIVE DUTIES WHICH ARE DETERMINATE.

CHAPTER I.

OF PROPERTY.

If you should see a flock of pigeons in a field of corn, and if (instead of each picking when and where it liked, taking just as much as it wanted and no more) you should see ninety-nine of them gathering all they got into a heap, reserving nothing for themselves but the chaff and refuse, keeping this heap for one, and that the weakest, perhaps, and worst pigeon of the flock, sitting round and looking on all the while, whilst this one was devouring, throwing about, and wasting it; and if a pigeon more hungry or hardy than the rest touched a grain of the hoard, all the others instantly flying upon it and tearing it to pieces. If you should see this you would see nothing more than is practised every day, and established among men.

Among men you see the ninety and nine toiling and scraping together a heap of superfluities for one, getting nothing for themselves all the while but a little of the coarsest of the provision which their own labour produces (and this one too oftentimes the feeblest, and wor-

of the whole set, a child, a woman, a madman, or a fool,) looking quietly on, while they see the fruits of all their labour, spent or spoiled; and if one of them take or touch a particle of it, the others join against him and hang him for the theft.

CHAPTER II.

THE USE OF THE INSTITUTION OF PROPERTY.

THE advantages of property must be very important to justify its institution; and they are as the four following:

1. It increases the produce of the earth.
2. It preserves the produce of the earth to maturity.
3. It prevents contests.
4. It improves the conveniency of living.

1. It increases the produce of the earth.

The earth, in this climate, produces but little without cultivation: and no one would be willing to cultivate it, if all others might be admitted to an equal share with him of the produce of his labour. The same is true of flocks and herds of tame animals.

Nuts and roots, game and fish, are all we should have to subsist on, if we trusted to the spontaneous productions of the earth. Our clothes would be the skins of beasts, and our food hardly sufficient to satisfy the cravings of nature.

Some countries, in warmer climates, would be more favoured; but the spontaneous products

of the most fruitful portion of the earth, would give its inhabitants but a slender subsistence.

2. It preserves the produce of the earth to maturity.

If the products of the earth were common property they would be gathered before they were ripe; because the first person that met with them, would think that he had better take them as they are, than leave them for another. Thus corn, if any were planted, would never ripen; lambs and calves would never grow up to sheep and cows; and no animals would be left but the wild ones of the forest.

3. It prevents contests.

War and waste, tumult and confusion, must be unavoidable and perpetual, where there is not enough for all, and where there are no rules to adjust the division.

4. It improves the conveniency of living.

This is done two ways.

1. By enabling mankind to divide themselves into distinct professions, and to exchange the products of their own art, for those of another; and exchange implies property.

The man who is obliged to be his own mechanic, cook, huntsman, and soldier, cannot be very expert in any thing.

It is by an exchange of labour, that men are enabled to excel in the arts.

2. It encourages the arts, by appropriating to the artist the benefit of his discoveries and improvements.

Such are the consequences of property, that the poorest, in countries where it is established are better provided with the comforts of l

than the rich would be, where every thing remained in common.

The balance, therefore, upon the whole, must preponderate in favour of property with a very great excess.

If the inequality of property is an evil, it is connected with so many advantages that the evil forms no solid objection to the general principle that relates to property; and this evil, like every other, may be mitigated by the laws of society; but to prevent it entirely is impracticable.

CHAPTER III.

THE HISTORY OF PROPERTY.

The first objects of property were the fruits a man plucked, and the wild animals that he caught; next to these were the tents or houses which he built; the tools he made use of to catch or prepare his food and clothing: and afterwards his weapons of war and defence.

Flocks and herds of tame animals soon became property. Abel, the second from Adam, was a keeper of sheep. Sheep and oxen, camels and asses, composed much of the wealth of the patriarchs, as they do still of the modern Arabs. The scarcity of water soon caused wells to be considered as the most valuable property. Land was not made property, until the country became populous, and tillage was practised. The first division of land, that we read of, was between Abraham and Lot, when Abraham said to Lot,

"If thou wilt go to the left hand, then I will go to the right, or if thou depart to the right, then I will go to the left."

It is probable, however, that in more populous countries, as Egypt, land became property much earlier than among the Jews, who were shepherds until after their escape from their Egyptian bondage. It is certain, that in the time of Joseph, the people of Egypt, during the seven years of famine, sold their land to the king; and how much earlier they had possessions of land, we are not informed.

Property in moveables continued at first no longer than the occupation, and when a man ceased to use his hut, his cave, or his pasture, another took possession of it, with the same title as his predecessor. All more permanent property in land was probably posterior to the organization of civil government.

CHAPTER IV.

ON WHAT THE RIGHT OF PROPERTY IS FOUNDED.

We speak now of landed property. The question is, how could any particular part of it be taken out of the common stock, and appropriated to an individual? Moralists have given many different accounts of this matter. One tells us that right is founded on use or occupancy by tacit consent. Another says, that by cultivating the land a man mixes his labour with the soil, which cannot be taken from him with-

out violating a natural right. Another and a better opinion is, that a foundation of a right to any portion of the earth as exclusive property is "the law of the land."

It is the intention of God that the produce of the earth be applied to the use of man; this intention cannot be fulfilled without establishing property: it is consistent therefore with the will of God that property be established. The land cannot be divided into separate property without leaving it to the law of the country to regulate that division; it is consistent, therefore, with the same will, that the law should regulate the division, and consequently consistent with the will of God or "right," that a man should possess the share which these regulations assign to him.

Right to an estate does not depend on the justice of the original acquisition, nor upon the justice of each subsequent change of possession, nor is the possessor accountable for the manner by which it was obtained from the aborigines, but only in what manner the law of the land has given him his title to it.

The owner's right does not depend on the expediency of the law which gave it to him. In some countries entailed estates descend to the eldest son, and thus the younger sons may be left destitute while the eldest is in affluence. The law may not be equitable, nor expedient, when it secures the property to the eldest son, who perhaps is least in need of it.

These principles may tend apparently to a conclusion, of which a bad use is apt to be made. Though the right of property depends on the law of the land, it does not follow that a man

has a *moral* right to all that the law will give him. With the law resides the disposal of property: so long, therefore, as we keep within the *intention* of the law, that law will justify us conscientiously; but if we plead the *words* of a law, against the *intention* of it, we are guilty of an immoral act. It is the intention of the law, for instance, to make a man pay his honest debts, yet in certain cases, a man may plead the statute of limitation, but he cannot do this with a good conscience if he knows himself to be justly indebted to the person who makes his claim against him. If a man, however, be ignorant or dubious of the justice of the claim, he may plead the law of limitation, *because he applies the rule of law to the purpose for which it was intended.*

Again, to preserve youth from the practices and impositions to which their inexperience exposes them, the law compels the payment of no debts incurred within a certain age, nor the performance of any engagements, except for such necessaries as are suited to their condition or fortunes. If a young person, therefore, perceive that he has been imposed on, he may honestly avail himself of the privilege of his nonage, to defeat the circumvention; but if he shelter himself under this privilege to avoid a fair contract, he violates the intention of the law, and is guilty of an immoral act.

CHAPTER V.

PROMISES.

1. WHENCE the obligation to perform promises arises.

2. In what sense promises are to be interpreted.

3. In what cases promises are not binding.

1. Whence the obligation to perform promises arises.

The obligation to perform promises arises from the necessity of such conduct, to the well being, or to the existence of human society. Men act from expectation. Expectation, in most cases, is determined by the assurances and engagements which we receive from others.

Confidence in promises is essential to the intercourse of human life, because, without confidence, the greater part of our conduct would proceed upon chance. There would be no confidence in promises, if men were not obliged to perform them; the obligation, therefore, to perform promises, is essential to the intercourse of human life. It is impossible to stir a step, or even to sit still a moment, without dependence on promises.

I am now writing at my ease, not doubting but that the butcher will send in the joint of meat which I ordered; that his servant will bring it, that my cook will dress it, that my footman will serve it up; and that I shall find it upon the table at one o'clock: yet I have nothing for all this but the promise of the butcher, and the implied promise of his servant and mine.

2. In what sense promises are to be interpreted.

Where the terms of a promise admit of more senses than one, the promise is to be performed "*in that sense, in which the promiser apprehended, at the time the promise was made.*"

It is not the sense in which the *promiser* actually intended, that always governs the interpretation of an equivocal promise, nor is it the sense in which the *promisee* actually received the promise. It must, therefore, be the sense in which the *promiser* believed the *promisee* accepted his promise.

Temures promised the garrison of Sebastia, that if they would surrender, *no blood should be shed.* The garrison surrendered, and Temures buried them alive. Temures fulfilled his promise in the sense in which he intended, but not in the sense in which he believed the garrison received the promise, and therefore he was guilty of a violation of his engagement, and that in the worst manner.

The obligation of promises depends on the *expectation* willingly or intentionally excited. Any action or conduct towards another, that we are sensible excites expectation, is as much a promise as an express declaration.

Tacit promises are expectations raised by action; as when a rich man, who has no child, takes the child of a relative, and educates him as his own, he tacitly promises to provide for him.

3. In what cases promises are not binding.

1. Promises are not binding, where the performance is *impossible.* The promiser is guilty of fraud, if he knew of the impossibility at the time of making the promise: for example,

A merchant in settling marriage articles, promises his daughter a ship, which he is privately advised is lost at sea.

When the promiser voluntarily occasions the

impossibility, it is a direct breach of promise; as when a man wastes his estate to prevent the payment of his debts.

2. Promises are not binding where the performance is *unlawful.*

There are two cases of this, one where the unlawfulness is known to the parties, at the time of making the promise; as where a servant promises to betray his master, or an assassin promises to despatch your rival or enemy. The reason that such promises are not binding is, because there was a prior obligation to the contrary.

The guilt of such promises is in the making, not in the breaking them. If, in the interval between the promise and the performance, a man repent of his engagement, he ought to break it.

The other case is, where the unlawfulness did not exist, or was not known to exist, at the time of making the promise; as where a man promises his correspondent abroad, to send him a ship load of corn, at a time appointed, and before the time arrives an embargo is laid upon the exportation of corn. A woman makes a promise of marriage, but before the marriage, she finds that her intended husband has a wife yet living. The lawfulness of such promises becomes a condition of the promise, and where the condition fails, the obligation ceases.

This rule, that promises are void where the performance is unlawful, extends to *imperfect* obligations, as where you promise a man a place, and he afterwards render himself unfit for it, if you are bound to select a proper person, the promise must be broken.

When two promises contradict each other, that ought to prevail which is prior in point of time.

The validity of a promise is destroyed, by its unlawfulness, and not by the motive; therefore, the reward of any crime, after the crime is committed, ought to be paid, if it has been promised.

A promise does not lose its obligation merely because it proceeded from an *unlawful motive.* If a man, during the illness of his wife, promise marriage to another woman, after her death, he is bound by this promise.

3. Promises are not binding where they contradict a former promise.

The performance of such promises is unlawful, from what has been already laid down; as "when two promises contradict each other, that ought to prevail which is prior in point of time."

4. Promises are not binding before acceptance, that is, before notice given to the *promisee.* Before the promise is communicated to the *promisee,* it is the same as a mental resolution, and may be altered at pleasure, and no expectation has been excited, therefore none can be disappointed.

If I declare my intention to a third person, who conveys my declaration to him without my knowledge or consent, I am not bound to fulfil this declaration, because I have not voluntarily excited expectation.

5. Promises are not binding which are *released by the promisee.*

This is evident, but it may sometimes be doubted who is the *promisee.*

If I give a promise to A for B, then A is the *promisee;* who can release me from the promise.

If I promise *to* B by A, as a messenger, then B is the *promisee.*

Promises to one person, for the benefit of another, are not released by the death of the *promisee.*

6. Erroneous promises are not binding in certain cases, as;

1. Where the error proceeds from the mistake or misrepresentation of the *promisee.*

A beggar solicits your charity by a story of the most pitiable distress, and you promise to relieve him if he will call again: in the interval you discover his story to be made up of lies: this discovery releases you from your promise.

2. When the *promiser* thinks that the *promisee* understands the promise, upon a certain condition that turns out to be false, then the promise is not binding; as a father receives an account from abroad of the death of his only child, and promises his fortune to his nephew: the child returns, and the father is released from his promise, because the nephew understood the promise to proceed upon the supposition of the death of his only child. The foundation of the rule is this; a man is bound to satisfy the expectation only which he intended to excite: whatever condition, therefore, he intended to subject that expectation to, provided it was known to the *promisee,* becomes an essential condition of the promise. A father promises a certain fortune with his daughter, supposing himself to be worth so much; but his circumstances turn out on examination, worse than he was aware of, he is, notwithstanding, bound by his

promise; because the expectation was such as the father intended to excite.

It has long been controverted among moralists, whether promises are binding which are extorted by violence or fear. The obligation of promises results from the necessity of confidence. If mankind are benefited by confidence in such promises, then they are binding. A highwayman attacks you, and being disappointed of his booty, prepares to murder you: you solemnly promise that if he will spare your life, he shall find a purse of money in a place appointed, and upon the faith of this promise, he forbears from further violence. Are you bound to make the deposit you promised? Your life has been saved by the promise, and the life of many others may be saved by the same means. This is a good consequence. On the other hand, a confidence in such promises would greatly increase the number of robberies. This a bad consequence.

Vows are promises to God. The obligation of vows is more sacred than promises. The violation of them implies a want of reverence to the Supreme Being,—which is enough to make such violation sinful. The few instances of vows that we read of in the New Testament, were religiously observed.

The rules for the obligation of vows are the same as for promises.

CHAPTER VI.

CONTRACTS.

A CONTRACT is a mutual promise.

The obligation of contracts, their interpreta

tion, and the cases in which they are not binding, are the same as promises.

Rule.—*Whatever is expected by one side, and known to be so expected by the other, is to be deemed a part or condition of the contract.*

The several kinds of contracts are,

- Contracts of
  - Sale,
  - Hazard,
  - Lending of
    - Inconsumable property,
    - Money.
  - Labour
    - Service,
    - Commissions,
    - Partnership,
    - Offices.

CHAPTER VII.

CONTRACTS OF SALE.

The seller is bound in conscience, to disclose the faults of what he offers for sale.

The correctness of this rule may be proved thus: Actions are the same to all moral purposes, which proceed from the same motives, and produce the same effects. To magnify beyond the truth, the virtue of what we have to sell, is a cheat. To conceal the faults, that they may sell for more than they are worth, is evidence of the same motive, and produces the same effect upon the purchaser.

There is one exception to this rule, namely; where the silence of the seller implies some

fault in the thing sold, and where the buyer has some compensation in the price, for the risk which he runs; as where a horse in a London repository is sold by public auction without warranty; the want of warranty is notice of some unsoundness, and produces a proportionable abatement in the price.

To this of concealing the faults of what we want to put off, may be referred the practice of passing bad money; which is sometimes defended by the vulgar excuse, that we have taken the money for good, and must therefore get rid of it. This is much the same as if one who had been robbed on the highway, should imagine he had a right to reimburse himself out of the pocket of the first traveller he met; the justice of which reasoning, the traveller may not assent to.

Where there is no monopoly or combination, the market price is always a fair price, because it will always be proportionable to the use and scarcity of the article.

Whoever opens a shop, or in any manner exposes goods to public sale, virtually engages to deal with his customers at a market price. This is expected by the buyer, and is known by the seller to be so expected; therefore, it becomes a contract, though nothing be said about the price. If, however, you disclaim any such engagement, you may set what value you please upon your property. If, on application to sell your house, you observe, that it suits your fancy, and you will not sell it under such a price, though double its value in market, there is no injustice done to the buyer, who may have his

fancy as well as the seller, and it is proper that he should pay for it. When the thing sold be damaged or lost between the sale and delivery, the conditions of the sale must determine which shall be the loser. If the seller, by implication or custom, engage to deliver the goods, he must abide the loss; as if I buy glass, and the seller ask me to what place he shall send it, and it is broken, the seller is the loser.

If the thing sold, remain with the seller for the convenience of the buyer, then the buyer undertakes the risk; as if I buy a horse, and mention that I will send for it on such a day, and any thing befall it, the loss is mine.

Custom regulates many contracts of sale and this may be various in different countries. Whence in justice, as well as law, what is called the *custom of merchants*, regulates the construction of mercantile concerns.

CHAPTER VIII.

CONTRACTS OF HAZARD.

By contracts of hazard, are meant, gaming and ensurance.

The rule in this kind of contract is, that neither side have any advantage, of which the other is not aware. If I play a game at cards, and have the advantage by way of skill or experience, the advantage is fair; but if it is gained by packing the cards, glancing the eye into the adversary's hand, or by signals with a part-

ner, it is a dishonest advantage, because it depends upon means which the adversary did not expect.

In speculations in trade, or in stocks, if I exercise my judgment upon the general aspect and posture of public affairs, and deal with a person who conducts himself by the same judgment, the contract is fair; but if I have access to secrets of state at home, or private advice of some important measure abroad, I cannot avail myself of these advantages with justice, for the contract proceeded upon the supposition that I had no such advantage.

In ensurance, where the under-writer computes his risk entirely from the account given by the person ensured it is absolutely necessary to the justice and validity of the contract, that this account be exact and complete.

CHAPTER IX.

CONTRACTS OF LENDING INCONSUMABLE PROPERTY.

INCONSUMABLE property, as a book or a horse, does not perish by use, but is returnable to the owner.

If a thing lent, bear loss or damage by the user, by accident in the use for which it was lent, the lender must bear the loss; as if I hire a horse to go a particular journey, and in going the journey, the horse be lamed or die, the loss must be the lender's If the accident be occasioned

by some fault in the borrower, or by some use for which he was not lent, then the borrower must make it good; as if I hire a horse to ride, and put him in a carriage, and he be lamed, or fall down dead while I am thus using him, I must make satisfaction to the owner.

Property may be lent, which may increase or diminish greatly in value, before the expiration of the lease. If the alteration might have been expected by the parties, the hirer must take the consequence; if it could not be expected, the owner must take the consequence; thus, if a fishery yield nothing, the tenant shall pay his rent; if, next year, ten-fold the usual profit, no more shall be demanded. But if a tenant lease a store near a wharf, that is subsequently swept away, then the tenant is entitled to a discharge or some abatement; and if any great improvement be made by the building of a new bridge, or opening a new street, the advantage ought to be the owner's.

The reason of this is, that such changes being neither forseen nor provided for, by the parties, form no part of the contract.

CHAPTER X.

CONTRACTS CONCERNING THE LENDING OF MONEY.

The prohibition in the law of Moses to lend money for interest, was confined to the Jewish nation, for they were permitted "to lend to a stranger upon usury." That law was not of moral or

universal obligation, but a civil regulation, confined to the Jews, and it was abrogated at the termination of the Jewish polity.

The rate of interest in most countries has been regulated by law. The Roman law allowed twelve per cent., which Justinian reduced to four.

A statute of Elizabeth, which was the first that allowed of interest in England, restrained it to ten per cent.; a statute of James the first to eight; of Charles the second to six; and of Queen Anne to five per cent., on pain of forfeiture to treble the value of the money lent. In the United States there are various regulations relating to interest; but in most states it is six, in some seven per cent. per annum.

The policy of these regulations is to check the power of accumulating wealth without industry, to give encouragement to trade, and to enable the government to borrow money at a small premium.

Compound interest, though forbidden by the law of England, and by the laws of the United States also, is agreeable to natural equity, for interest detained after it is due, becomes a part of the sum lent.

Whoever borrows money is not only bound to pay it, but he is bound to use the means necessary to enable him to pay it. To this end he is bound, if necessary, to sell his estate, to contract his plan of expense, to lay down his equipage, and to make every sacrifice that justice requires of a man in debt, when he sees that he has no prospect of paying his debts in any other way.

It is questioned whether it is right to permit

the imprisonment of insolvent debtors. As an act of satisfaction or revenge, it is always wrong in the motive. As a public punishment, with certain limitations, it may be right. There are frauds in insolvency, against which it is necessary to provide punishments; such as concealing one's property, by some secret conveyance, or by wasting it in profuse living.

The confinement of a debtor must be understood as a punishment, and a punishment supposes a crime. To pursue, then, an unfortunate debtor with legal rigour, merely to give pain to him or his family, is repugnant to humanity and justice. To deprive the creditor, however, of the power of coercion, would make it difficult for the poor, particularly the lower sort of tradesmen, to obtain credit; and as they must buy before they can sell, the want of means to purchase, without credit, would exclude many from trade who are among the most useful members of society. It is better, then, that one out of a hundred be sent to jail, than that ninety-nine be unable to gain credit to enable them to pursue some useful occupation.

CHAPTER XI.

CONTRACTS OF LABOUR.

SERVICE.

SERVICE ought to be voluntary, and by contract, and the master's authority extends no further than the terms or equitable construction of the contract will justify.

The treatment of servants as to diet, discipline, and accommodation, the kind and quantity of work, the intermissions, liberty, and indulgence, must be determined, in a great measure, by custom.

A servant is not bound to obey the unlawful commands of his master, for the servant is under a prior obligation to refrain from doing wrong, and the master's authority is no justification to the servant in such a case.

Clerks and apprentices ought to be employed entirely in the profession or trade which they are intended to learn, for instruction is their wages, and to deprive them of this is to defraud them of their wages.

The master is responsible for what a servant does in the ordinary course of his employment, for it is done under a general authority committed to him, which is in justice equivalent to a specific direction; as if I pay money to a banker's clerk, the banker is accountable, but not so if I pay it to an ordinary domestic. Upon the same principle; if I once send a servant to take up goods on credit, whatever goods he afterwards takes up at the same shop, so long as he continues in my service, are justly chargeable to my account.

If an innkeeper's servant rob his guests, the innkeeper must make restitution; and if your coachman or carter drive over a passenger in the road, the passenger may recover from you satisfaction for the injury.

It is sometimes carelessness, and sometimes to get rid of a bad servant without a dispute, that recommendations are given to the undeserving;

but this is doing injustice to the one who shall employ him, on account of such recommendation.

To refuse a recommendation to a good servant, to prevent him from obtaining a more advantageous situation, is an injustice, and a public injury, as it discourages the good behaviour of a class of society on which much of our comfort depends, and not the less injurious, because the servant has no remedy.

A master of a family is culpable, if he permit any vices among his domestics, that he can restrain by proper discipline. The Scriptures direct servants "*to obey their masters, not with-eye-service, as men pleasers, but as the servants of Christ,*" and also that masters conduct towards their servants, as "*knowing that they have a master, who is in heaven.*" This establishes the motive on higher and better principles than any human obligation can establish it, and it secures, as far as its operation extends, the reciprocal duties of masters and servants on an equitable basis.

CHAPTER XII.

CONTRACTS OF LABOUR.

COMMISSIONS.

WHOEVER undertakes another man's business, virtually promises to employ upon it the same care, attention, and diligence, that he would do if it were his own; for he knows that it was committed to him with that expectation.

This rule defines the duty of *factors, stewards, attorneys*, and *advocates.*

The latitude allowed to agents, to depart from their instructions, will be different, according as their commission was confidential or ministerial, and according as the service requires a prompt and precise obedience to orders or not. An attorney sent to purchase an estate, if he found out a flaw in the title, would desist from proposing the price he was directed to propose. If, however, the commander-in-chief of an army detach an officer under him, upon a particular service that is more difficult or less expedient than was supposed, so that he is convinced that if his commander knew his situation, he would recall his orders; yet if he cannot wait for fresh orders, he must, at all hazards, pursue the orders he has brought with him.

What is trusted to an agent may be lost or damaged in his hands by *misfortune.* An agent that acts without pay, is not accountable for any misfortune in executing his commission, provided he use due diligence; for if he give his labour for nothing, it cannot be presumed that he gave also security for the success of it. If the agent was hired, the question will depend upon the apprehension of the parties, at the time of making the contract; and this must be collected and interpreted by custom. Of this kind are public carriers, ship owners, and postmasters. Any expression, which implies a promise, will bind the agent without custom; as where the price is too much for the labour, part of it may be considered as a premium for ensurance. On the other hand, any caution on the part of the

owner to guard against danger, is evidence that he considers the risk as his own; as the cutting a bank bill in two to send by the post at different times.

Unless a promise, tacit or express, can be proved against the agent, the loss must fall upon the owner.

If an agent goes a journey for his employer, and lames his horse, or breaks his leg, by a fall upon the road, the agent has no claim upon his employer for compensation; for when the danger is not foreseen, there is no reason to believe that the employer engaged to indemnify the agent against it. Whoever knowingly undertakes a dangerous employment; as where a fireman undertakes, for a reward, to rescue a box from the flames, he takes upon himself the danger.

CHAPTER XIII.

CONTRACTS OF LABOUR.

PARTNERSHIP.

THE rule of partnerships, where one partner contributes money and the other labour, is, "*From the stock of the partnership deduct the sum advanced, and divide the remainder between the moneyed partner, and the labouring partner, in the proportion of the interest of the money to the wages of the labour; allowing such a rate of interest as money might be borrowed for, upon the same security, and such wages as a journeyman would require for the same labour and trust.*"

Example. A advances a thousand pounds, B advances no money, but conducts the business. At the end of the year, the stock and the effects of the partnership amount to 1200*l*, —consequently, 200*l* is to be divided. A, at six per cent., must be allowed sixty pounds for the interest of his money. B's labour is worth thirty pounds; and the proportion is as sixty to thirty: that is, A must receive one hundred and thirty pounds, six shillings, and eight pence—and B sixty-six pounds, thirteen shillings and four pence.

If nothing is gained, A loses his interest and B his labour. If the original stock is diminished, B loses his labour, and A his interest, and part of the principal; for which eventual disadvantage, A is compensated by having the interest of his money computed at six per cent, in the division of the profits, where there is any. All the partners are bound by what any one of them does in the course of business, for such partner is considered as an authorized agent for the rest.*

CHAPTER XIV.

CONTRACTS OF LABOUR.

OFFICES.

In many offices, as professorships in universities, incorporated schools, and the like, there

* This calculation would be to the disadvantage of the moneyed partner, in this country, because the risk is greater, and the interest for money higher, than in England, and to settle his proportion of the profits, his money may be calculated at eight per cent.

is a twofold contract, one with the founder, and the other with the electors.

The contract with the founder, obliges the incumbent of the office to discharge every duty appointed by the founder; because the endowment was given for that purpose, and accepted on that condition.

The contract with the electors obliges the incumbent to perform all customary duties; for the electors expect from the person they choose all the duties which his predecessors have discharged. The electors can excuse from the last class of duties.

It is a question of some difficulty, what offices may be conscientiously supplied by a deputy.

An office may not be discharged by deputy,

1. Where a particular confidence is reposed in the person appointed to it; as that of a guardian or judge.

2. Where the custom hinders, as schoolmasters, and commissions in the army and navy.

3. Where the duty cannot, from its nature, be so well performed by a deputy; as the deputy governor of a province may not possess the legal authority, or the actual influence, of his principal.

4. When some inconveniency would result to the service in general, from the permission of deputies in such cases.

CHAPTER XV.

LIES.

A LIE is a breach of promise; for we tacitly promise to speak the truth, for we know this to be expected.

There are falsehoods that are not lies,—that is, which are not criminal, as,

1. When no one is deceived, and when there is no intention to deceive, as in parables, fables, jests, tales to create mirth, compliments in the subscription of a letter, or the assertion of an advocate in the justice of his cause. In such cases no promise to speak the truth is violated, because none was given, nor understood to be given.

2. Where the person you speak to has no right to know the truth, as where you tell a falsehood to a madman, for his own advantage, —to a robber, to conceal your property,—to an assassin, to defeat or divert him from his purpose.

By the laws of war, it is allowed to deceive an enemy by feints, false colours, spies, and false intelligence, but by no means, in treaties, truces, signals of capitulation, or surrender—for in whatever relates to the termination of war, the most religious fidelity is expected, and ought always to be observed.

Many people indulge themselves in exaggeration in their accounts of what they have seen

heard; and in many cases this may not appear to produce any positive evil; but it is impossible to say what evil may grow out of such conduct, or who may not be deceived by it, when, perhaps, there is no intention to deceive any one. This may be owing to the officiousness or misrepresentation of those who circulate it; but the mischief is partly chargeable upon the original editor. This liberty of exaggeration defeats its own end.

Much of the advantage and pleasure of conversation depends upon our opinion of the speaker's veracity. If this confidence is weakened, the benefit of conversation is proportionably diminished.

But besides these reasons, *white* lies always introduce others of a *darker* complexion. I have seldom known any one that deserted truth in trifles, that could be trusted in matters of importance. The habit when once formed, is easily extended to serve the designs of malice or interest, and like all other habits, it spreads of itself.

Men are not made liars at once. The habit of lying is more frequently formed in very early life, and many times may be traced to the nursery, or to associates in childhood, and even parents themselves not unfrequently teach their own children, by false promises, even when they are not conscious of making any injurious impressions upon their tender minds. The indulgent mother who gives the cake to her child when he cries, that she had said she would not give, does not a little to initiate her child into the principles of falsehood. It is a good rule

with parents to be sparing of promises to their children, but strict in the performance of them.

Pious frauds, as they are improperly called, such as pretended inspirations, forged books, counterfeit miracles, are impositions of a more serious nature. The intention may be to do good, but the means are sinful, and the tendency very pernicious. It is a violation of a law of the Scriptures, which forbids us "*to do evil that good may come.*"

As there may be falsehoods that are not lies, so there may be lies that are not falsehoods. It is the *wilful* deceit that makes the lie; and we wilfully deceive when our expressions are not true, in the sense in which we believe the hearer to apprehend them. The popular and customary signification of language, is that sense we must attach to words. A man may act a lie, as by pointing his finger in a wrong direction, when a traveller inquires of him the road. Speech and action are the same, for speech is only a mode of action.

There may be lies of *omission*. A writer of English history, who, in his account of the reign of Charles the First, should wilfully suppress any evidence of that prince's despotic measures, might be said to lie; for by entitling his book a *History of England*, he engages to relate the whole truth of the history, or at least what he knows of it.

CHAPTER XVI.

OATHS.

1. Forms of oaths.
2. Signification.
3. Lawfulness.
4. Obligation.
5. What oaths do not bind.
6. In what sense oaths are to be interpreted.

1. The forms of oaths have been always various, but consisting for the most part, of some bodily action, and of a prescribed form of words.

Among the Jews, the juror holds up his right hand towards heaven. The same form is used in Scotland and in New England. Among the Greeks and Romans, in their private contracts, the parties took hold of each other's hand, or they touched the altar of their God, and upon more solemn occasions they slew a victim.

The form of oaths in Christian countries is various. In England, the juror lays his hand upon the Bible, and either repeats or some one for him, the form of the oath, and then he kisses the book. This is practised in several of the United States.

The use of oaths is undoubtedly too frequent, and on many occasions when it would be more proper to dispense with them, for by their frequency the solemnity of them is diminished; but more, perhaps, by the levity of the manner in which they are administered. In England, a pound of tea cannot travel regularly from the ship to the consumer without half a dozen oaths.

The law might continue its sanctions, and by inflicting the same punishment as for perjury; in a great variety of cases, the oath might be dispensed with, and if used only on important occasions its solemnity would be increased.

2. The *signification* of an oath is "the calling upon God to witness," i. e. "to take notice of what we say," and "invoking his vengeance or renouncing his favour, if, what we say be false, or what we promise be not performed."

3. Quakers and Moravians refuse to swear upon any occasion, founding their scruples concerning the *lawfulness* of oaths, upon our Saviour's prohibition, Matt. v. 34. "I say unto you, swear not at all, neither by heaven, for it is God's throne, nor by the earth, for it is his footstool, neither by Jerusalem, for it is the city of the great king, neither shalt thou swear by thy head, because thou canst not make one hair white or black."

That this prohibition does not relate to *judicial* but to *profane* oaths, appears from the fact that the Jews had no such form of judicial oaths.

That judicial oaths are not sinful, appears from our Saviour's answer to the high priest, when he adjured him by the living God. St. Paul said, "*God is my witness;*" and in another place, "*I call God for a record upon my soul.*" To the Hebrews he says. "*Men verily swear by the greater, and an oath for confirmation is the end of all strife.*"

The words of St. James are to be interpreted in the same manner as those of our Saviour, both of which prohibit *profane* swearing, but not judicial oaths.

4. Oaths are nugatory, or carry with them no force or obligation, unless we believe that God will punish false swearing with more severity than a simple lie.

Perjury, or false swearing, is a sin of great deliberation. It implies a disbelief or contempt of the Divine attributes. It violates a superior confidence. A lie cannot do the same mischief, because the same credit is not given to it. God directed the Israelites to swear by his name, "and he was pleased," in order to show the immutability of his counsel to confirm his covenant with that people by an *oath*, which are evidences of the solemnity of such obligations.

5. Promissory oaths are *not binding*, where the promise would not be so, for the several cases of which, see the chapter of *Promises*.

6. Oaths being intended for the security of the imposer, they must be *interpreted* in the sense in which the imposer intends.

The rule is "*Jurare in animum imponentis.*"

CHAPTER XVII.

OATH IN EVIDENCE.

THE witness swears "*to speak the truth, the whole truth, and nothing but the truth, touching the matter in question.*"

The designed concealment of any truth that relates to the subject, is a violation of the oath. There is one exception to this rule, which is, when a full discovery of a truth tends to accuse the witness himself of some *legal* crime.

The law of the country compels no man to be his own accuser: consequently, it imposes the oath of testimony, with this tacit reservation. But the exception must be confined to *legal* crimes. A point of honour, of delicacy, or of reputation, will not justify a concealment of the truth, unless it can be shown, that the law that imposes the oath, intended to allow this indulgence to such motives. This exception is withdrawn, by a compact between the magistrate and the witness, when an accomplice is admitted, to give evidence against the partner of his crime.

Tenderness to the prisoner is no excuse. Questions may be asked, not affecting the case; but the witness himself, or some third person, in which, as in all cases of doubt concerning the propriety of the question, the witness ought to submit his doubts to the court, and the answer of the court is authority for the witness; for it belongs to the court to declare what the mind of the law is.

CHAPTER XVIII.

OATH OF ALLEGIANCE.

ALLEGIANCE is a tie that binds the subject to the state, and in consequence of his allegiance, he is entitled to protection.

Allegiance is either express or implied.

Express allegiance is, when the subject of the state has taken an oath of fidelity to the government, in the manner prescribed by law.

An oath to support the constitution of the United States, must be taken by all the officers of the United States, by all the members of the state legislatures, and by all officers, civil and military.

It is required of a foreigner before he is admitted to the rights of citizenship, to declare on oath or affirmation, before some one of the courts of the United States, that he will support the constitution of the United States: that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly by name, the prince, potentate, state, or sovereignty, whereof he was before, a citizen or subject.

The court admitting such alien, shall be satisfied that he has resided within the United States five years at least, and within the state or territory where such court is at the time held, one year at least; and it shall farther appear to their satisfaction, that, during that time, he has behaved as a man of a good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same.

Implied allegiance is the natural duty of obedience and subjection to that government, under whose protection a man is born; and this duty is perpetual and universal, and cannot be discharged by taking an oath of allegiance to another government; so that if a man remove to a foreign country, he owes allegiance to the country of his birth.

The Congress of the United States have the

exclusive power to pass laws for the naturalization of foreigners.

Allegiance, whether express or implied, forbids the taking up arms, or the aiding or assisting our enemies, or any other act that shall prevent the operation of the constitution or laws of the nation. It does not require obedience to any command or law that is contrary to the constitution of the United States.

[Chapters XIX, XX, XXI, and XXII, being peculiar to the government of Great Britain, may be omitted, without any loss to the American reader.]

CHAPTER XXIII.

WILLS.

"A WILL is the right of disposing of one's property by testament, that is, by written or oral instructions, properly witnessed and authenticated, according to the pleasure of the deceased."—*Blackstone.*

The law of nature suggests that on the death of the possessor, the estate should again become common. Wills, then, are the creatures of civil law, and they have been introduced into most countries by a positive act of the state; as by those of Solon into Greece, by the twelve tables into Rome.

Tacitus relates, that among the Germans they

were disallowed; and since the conquest in England, lands could not be devised by will until the latter end of the reign of Henry the Eighth.

The advantages of wills are, the encouragement of industry, marriages, and the dutifulness and dependency of children.

As wills are supported by civil law, where they fail through any informality, the heir at law has the same equitable right to his claim as though no will had been made.

Where a man's fortune is the produce of his own industry, he has a right to dispose of it at his pleasure, provided he has raised no expectations. There is, however, a reason to provide for one's own relations, because they have reason to expect such provision.

The neglecting to make a will, where the law does not make an equitable distribution, is a culpable omission of duty.

The civil law protects the rights of widows and creditors, leaving the rest of a man's property to his own disposal. Where no will is made, property is commonly divided equally among the children or between those of the same consanguinity, after the widow's dower and the creditor's claim are satisfied. The right of descent is generally defined and established by statute or common law, and this regulates the title to property, except where a will is made. The intention of the testator is the governing principle in the construction and interpretation of the will.

BOOK III.

PART II.

OF RELATIVE DUTIES WHICH ARE INDETERMINATE.

CHAPTER I.

CHARITY.

By charity, I mean, not the common sense of the term, as bounty to the poor, nor that of St. Paul, as benevolence to all mankind; but to signify the promoting the happiness of our inferiors.

Charity, in this sense, is the principal province of virtue and religion, for worldly prudence will direct our behaviour towards our superiors, and politeness towards our equals; but duty and habitual humanity must regulate our conduct towards them who are beneath or dependent upon us.

There are three principal methods of promoting the happiness of our inferiors.

1. By the treatment of our domestics and dependants.
2. By professional assistance.
3. By pecuniary bounty.

CHAPTER II.

CHARITY.

THE TREATMENT OF OUR DOMESTICS AND DEPENDANTS.

Our obligation to this class of the community is as great as theirs is to us. It is a mistake to suppose that the rich man maintains his servants, tradesmen, tenants, and labourers; for the truth is, they maintain him. Their industry supplies his table, furnishes his wardrobe, builds his houses, adorns his equipage, and provides his amusements. All that he does, is, to distribute what others produce, which is the least part of the business.

Whatever uneasiness we occasion our domestics, that neither promotes our service, nor answers the just ends of punishment, is manifestly wrong, were it only on the general principle of diminishing the sum of human happiness.

By this rule we are forbidden,

1. To enjoin unnecessary labour or confinement, merely from wantonness or the love of domination.

2. To insult them by harsh, scornful, or opprobrious language.

2. To refuse them any harmless pleasures. And, by the same principle, we are forbidden causeless or immoderate anger, habitual peevishness and groundless suspicion.

CHAPTER III.

SLAVERY.

The prohibition with respect to slaves is the same as that towards servants.

Slavery is an obligation to labour for the benefit of the master, without the contract or consent of the servant.

This obligation may arise, consistently with the law of nature, from three causes:

1. From crimes.
2. From captivity.
3. From debt.

In the first place, the continuance ought to be proportioned to the crime; in the second and third cases, it ought to cease as soon as the demand of the injured nation, or private creditor is satisfied.

The African slave trade does not come under any of the denominations mentioned, but it begins, and is carried on in crime, and it entails upon posterity innumerable toils and sufferings. There is neither justice nor humanity in obtaining the Africans. They are sometimes stolen from their parents or families—at other times, they are bought, perhaps, of their parents or relatives—and not unfrequently the different tribes are excited to war, for the sake of purchasing their captives; and they are most commonly sold for ardent spirits, that make more beastly the already brutalized inhabitants of Africa. When they are obtained, they are crowded together into the hold of some small

ship, and treated worse than brutes. They are chained, and seldom permitted to see the light, or feel an exhilarating breeze, during a long voyage. When they are landed on some foreign shore, they are sold at auction, to unfeeling masters, and committed to the care of cruel drivers, to drag out a life of servitude and toil, hunger and nakedness. This would seem to be enough; but the evil does not stop here.—They are permitted to form connexions with one another, and to become husbands and wives, fathers and mothers, with no other prospect for their posterity than the same servitude and sufferings. They are not unfrequently torn from the few endearments of domestic comfort, and from the ties of kindred and friends, and sold to some distant land, never more to hear the voice of those they love. I have seen them in droves, chained to each other, weeping as they went, they knew not where, but to toil and wretchedness.

The humane master, who knows and feels the evils of slavery, must suffer deeply with the view of that which he has no power to cure, and but little to meliorate. Sudden emancipation will ruin the slaves, as well as their masters. I do not blame the humane master who holds his slaves in bondage, that he cannot emancipate with safety to the community. I blame him who stole them from their country, and the man who encourages this inhuman traffic.

The emancipation of slaves should be gradual, and carried on under the provisions of civil law, and under the protection of civil government. Christianity has produced some effect.

and this effect is constantly increasing. By the mild diffusion of its light and influence, the minds of men are gradually prepared to correct the enormities which ignorance, or folly, or wickedness, has introduced into public establishments.

In this way the Greek and Roman slavery, and since these, the feudal tyranny, has declined before the power of Christianity. We trust, then, that as the knowledge of religion advances in the world, it will banish what remains of this odious institution. Its operation is visible in the effect produced in many parts of this country,—and in those districts where slavery exists, and must exist, for a series of years, religion, as it has been better known and understood, has informed the consciences of masters, so that in many cases the slaves are treated with all the humanity that prudence would dictate. And there are not a few masters who take great pains to educate their slaves in the knowledge of their duty to God and man, and many examples of distinguished piety are found among the sable children of Africa.

CHAPTER IV.

CHARITY.

PROFESSIONAL ASSISTANCE.

This kind of beneficence is chiefly to be expected from members of the legislature, and

magistrates—the medical, legal, and sacerdotal professions.

The care of the poor ought to be the principal object of all laws, for this plain reason, that the rich are able to take care of themselves.

Much has been done, by the laws of the country, towards the relief of the indigent, and the protection and encouragement of the industrious poor, but "they yet remain with us," and the member of the legislature who will digest laws to meliorate their sufferings, and use his influence to have them adopted and carried into effect, will deserve well of a large class of the community, who need the protection of the best friends to humanity. Most of the distresses of the poor in this country are produced by intemperance, and this is an increasing evil. Could it not be checked by a tax upon distilled spirits? And if the income of such a tax were applied to the relief of the poor, would it not in a short time diminish the evils of drunkenness, and supersede the necessity of any other tax for the maintenance of the poor?

Of all private professions, that of medicine puts it in a man's power to do the most good, at the least expense. The complaints of the poor are such as often yield to medicine. Drugs, at first hand, cost but little; and the loss to the physician bears no proportion to the advantage he may bestow upon them who must suffer without his professional charity.

The contentions of the poor are often violent and ruinous.

A lawyer may be able often to adjust these disputes, without the expense of a law-suit, and

he may be said to give a poor man twenty dollars who prevents him from throwing it away in litigation. The poor are sometimes oppressed by the rich, and I know not a more exalted charity than that which presents a shield against the persecutions of a tyrant.

Ministers of religion have it in their power to influence the morals of the poor. This may be done by private advice, admonition, and instruction. But their chief concern is with their thoughts. They confer upon the poor the best of charities, when they instruct, and lead them to the knowledge and practice of religion, for this will secure their morals, give them comfort in this life, when all other comforts fail them, prepare them for death, and secure to them such happiness, as eye hath not seen, ear hath not heard, nor the heart of man conceived, in that eternity that is beyond the grave. If there is any charity that enriches the poor, like the consolations of religion, it has not yet been discovered; and he is truly a minister of mercy, who visits them, with the message of the gospel of peace.

CHAPTER V.

CHARITY.

PECUNIARY BOUNTY.

1. The obligation to bestow relief upon the poor.

2. The manner of bestowing it.

3. The pretences by which men excuse themselves from it.

1. The obligation to bestow relief upon the poor.

The poor have a claim, founded on the law of nature, and the Scriptures are very copious and explicit upon this duty. The description, which Christ has left us, of the proceedings of the last day, establishes the obligation of bounty beyond controversy.—"When the Son of man shall come in his glory, and all the holy angles with him, then shall he sit upon the throne of his glory: and before him shall be gathered all nations; and he shall separate them one from another. Then shall the King say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world. For I was an hungered, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in: naked, and ye clothed me: I was sick, and ye visited me: I was in prison and ye came unto me. *And inasmuch as ye have done it unto the least of these my brethren, ye have done it unto me.*" It is said, also, that "God loveth a cheerful giver," and that "he that giveth to the poor lendeth to the Lord."

The principles of Christianity have produced an effect to increase the charities of men, in every country where they have prevailed. Before the times of Christianity, no infirmary, hospital, nor public charity, was known; but now they are established in every Christian nation. Besides these, there are legal provisions for the poor; and private liberality flourishes.

2. The manner of bestowing bounty.

There are three kinds of charity which prefer a claim to attention.

The first is, to give stated sums by way of pension or annuity, to individuals or families, with whose behaviour and wants we are acquainted. The great recommendation of this kind of charity is, that pensions and annuities which are paid regularly, and can be expected at a particular time, prevent the dread of want.

The second method of doing good, by bestowing bounty, is by subscription to public charities.

Public charities admit of this argument in their favour, that money goes further towards attaining the end for which it is given, than it can do by any private or separate beneficence. A guinea, for example, contributed to an infirmary, becomes the means of providing one patient at least with a physician, surgeon, apothecary, with medicine, diet, lodging, and suitable attendance; which is not the tenth part of what the same assistance would cost the sick person or family, in any other situation.

The last and lowest exertion of benevolence, is the relief of beggars. Men are sometimes overtaken by distress, for which all other relief would come too late. This species of bounty is the most difficult to manage. To discriminate between absolute want and deceit, is a nice point; and this may be a good rule, "never to refuse, when there is any probability that the object may suffer materially for the want of that charity we may have it in our power to bestow." But it is always better to give that

which cannot be easily converted into any thing prejudicial to the undeserving. Money may be given, when nothing else is within our reach, and when nothing else will mitigate the sufferings of the petitioner: but food and clothing are safer, and richer comforts to the poor, who know but little the proper use of money. But we *do* right many times by giving, to save ourselves the pain of refusing; and to cherish, in ourselves, the disposition to relieve human sufferings.

The improvement of large estates, and the erection of manufactories, where the profits do not repay the expense, if they give employment to the poor, are works of beneficence.

It is a question of some importance to determine, when acts of charity may be public, and when they ought to be private.

The instructions of the Author of our religion may seem, at first sight, to enjoin universal secrecy, "When thou doest thine alms, let not they left hand know what thy right hand doeth, that thine alms may be in secret, and thy Father which seeth in secret, himself shall reward thee openly."

From the preamble to this rule, it is plain that our Saviour's sole design was, to forbid *ostentation*. There are motives for the doing of alms in public, besides ostentation, with which our Saviour's rule has no concern; such as, to testify our approbation of some particular subject of charity, and to recommend the same to others.

The following rule may be of use: "When our bounty is beyond our fortune or station;

that is, when it is more than would be expected from us, our charity should be private, if privacy be practicable; when it is not more than may be expected, it may be public."

The motive must stamp the character of the action. If any thing is given for the praise of men, it is ostentation; but, if from a sense of duty, however small the gift, it is charity.

3. The pretences by which men excuse themselves from giving to the poor, are,

1st. "That they have nothing to spare." This is often said, without reflecting, that it is the duty of them who say it, to limit their own expenses, that they may have something to spare to the needy.

2dly. "That charity begins at home." This is true in a degree, and, until suitable provision of necessaries is made for our families and poor relations, who may depend on us, we have little or nothing for the necessities of others; but, when this is done, we must lay by in store as God hath prospered us, and that for the poor, before we expend any thing upon superfluities, for, "Let him that hath two coats impart to him that hath none," must imply as much as this at least.

3dly. "That charity does not consist in giving money, but in benevolence, philanthropy, love to all mankind, goodness of heart," &c. Hear St. James: "If a brother or sister be destitute of daily food, and one of you say unto them, Depart in peace, be ye warmed and filled, notwithstanding *ye give them not those things which are needful to the body*, what doth it profit?"

4thly. "That they pay the poor rate"

They might as well say that they pay their debts, for the poor have the same right to what the law assigns them, as the rich have to their property; for the law of the land gives them both their rights.

5thly. "That they employ many poor persons." This is done for their own sakes, not for the sake of the poor—otherwise it is a good plea.

6thly. "That habit has reconciled the poor to the evils of their condition." Habit can never reconcile human nature to the extremities of cold, hunger, and thirst: besides, the question is not, how unhappy any one is, but how happy we can make him.

7thly. "That the poor have no gratitude." This is not generally true; but if it were so, it is not for their gratitude that the charitable man relieves them.

8thly. "That we are liable to imposition." If due inquiry be made, our motive and our merits are the same.

9thly. "That they should apply to their parishes." This is not always practicable, and there are many who have seen better days, that ought to be relieved with great delicacy, and besides, all parishes have not the disposition to give suitable aid to the poor.

10thly. "That giving money encourages idleness." This is true only, of injudicious generosity.

11thly. "There are other objects more needy." The value of this excuse depends upon the fact of our relieving these more needy objects. Besides, all these excuses, pride, and

indolence, and want of proper sensibility, keep one-half of the world from observing what the other half suffer.

CHAPTER VI.

RESENTMENT.

RESENTMENT may be distinguished into *anger* and *revenge*.

Anger is the pain we suffer upon the receipt of an injury or affront, with the usual effects of that pain upon ourselves.

Revenge is the inflicting of pain, upon the person who has injured or offended us, further than the just ends of punishment require.

Anger prompts to revenge, but it is possible to suspend the effect, when we cannot altogether quell the principle. We are bound also to endeavour to qualify or correct the principle itself, so that our duty requires two different applications of the mind, and for that reason, anger and revenge should be considered separately.

CHAPTER VII.

ANGER.

ALL anger is not sinful, for the language of Scripture is "Be ye angry and sin not."

It is sinful, when it is conceived upon slight and inadequate provocations, and when it continues long.

1. When it is conceived upon slight provocations: for "charity suffereth long, and is not easily provoked. Let every man be slow to anger."

2. When it continues long, for "let not the sun go down upon your wrath."

The sedatives of anger, are reflections calculated to control and subdue it; such as the probability that we have mistaken the motives of the person who has offended us, the indecency of it, the pain that accompanies it, the indiscretion that it occasions, the loss of friends, and the increase of enemies, but above all, the reflection that God seeth us, and will call us to an account.

The great object is to check the first risings of this passion, by an habitual control of the affections, subduing them to the dominion of reason and virtue.

The great difference among mankind in this respect, is caused by the habit of self-control. If the first emotion is neglected, it is sure to give pain, and that frequently, to ourselves and our friends; if it is subdued, the pain, if any, is short. Habit in this is every thing; and the man who wishes a quiet temper, will bend the force of his mind to its government.

CHAPTER VIII.

REVENGE.

Revenge is pain, given to another on account of some offence, beyond what reparation or punishment requires.

This passion may be known by its giving pleasure to inflict pain; whereas, there is always a reluctance in giving pain by way of punishment.

From the light of nature, it is probable, that revenge is disagreeable to the benevolent will and counsels of the Creator; and the Scriptures expressly forbid it: as "If ye forgive not men their trespasses, neither will your Heavenly Father forgive your trespasses. Avenge not yourselves, but rather give place unto wrath; for it is written, vengeance is mine, and I will repay saith the Lord. Be not overcome of evil, but overcome evil with good."

Revenge is forbidden in every degree, under all forms, and upon all occasions. We are likewise forbidden to refuse to an enemy, even the most imperfect right; "if he hunger feed him, if he thirst give him drink."

These commands and prohibitions, were not intended to interfere with the prosecution or punishment of public offenders; nor is it any breach of Christian charity to withdraw our company or civility, when the same tends to discountenance any vicious practice; for St. Paul says to the Corinthians, "I have written unto you, not to keep company, if any man that is called a brother, be a fornicator, or covetous, or an idolater, or a railer, or a drunkard, or an extortioner, with such an one, no, not to eat."

We are likewise allowed to practise so much caution, as not to put ourselves in the way of injury, or invite the repetition of it. If a servant, or tradesman has cheated us, we are not bound to trust him again.

When a benefit can be conferred upon one only, we are permitted to prefer the one who has not offended us, to the one who has.

CHAPTER IX.

DUELLING.

DUELLING as a punishment, is absurd, because it is an equal chance, whether the punishment fall upon the offender, or upon the person offended. It is no reparation, for it affords no compensation for an injury.

Duelling is sometimes caused by malicious revenge; but more generally it is a mistaken idea of the law of honour, and challenges are given and accepted only to avoid the imputation of cowardice.

Murder is forbidden; and wherever human life is deliberately taken away, except by public authority, there is murder.

If the duellist do not expose his own life, he is an assassin.

So far, then, as his motive is to kill his adversary, he is a murderer; and as much as he exposes his own life voluntarily, except from a sense of duty, he is guilty of suicide.

Duelling partakes of both the crimes of murder and suicide.

As a test of innocence, it is a remnant of Gothic superstition, and as a test of courage, it shows only that the duellist fears the reproach of men, more than he does the anger of God.

But the moralist has yet to learn, that true courage consists in a desertion from the post that God and duty have established.

CHAPTER X.

LITIGATION.

"If it be possible, live peaceably with all men," which precept contains an indirect confession, that this is not always possible. This excludes all vindictive motives, all frivolous causes of prosecution; so that where the injury is small, where no good purpose of public example is answered, and where the expense of the action becomes a punishment too severe for the offence, the Christian is withheld from going to law.

A law-suit may be instituted,

1. For establishing some important right.

2. For procuring a compensation for some considerable damage.

3. For preventing future injury.

As justice is the object, the prosecutor of the action, must confine himself to the cheapest process, consent to a reference, or any other mode of settlement, by which justice can be obtained.

Neither of the contending parties may prolong a suit by appeals, against his own conviction.

He may not undertake nor defend a suit, against a poor adversary, with the hope of in-

timidating or wearying him out by the expense; nor influence evidence by authority or expectation, nor conceal that which is in his possession, although it may be against himself.

In criminal actions, the private injury should be forgotten.

In whatever degree, the punishment of an offender is conducive, or his escape dangerous to the interests of the community, in the same degree is the sufferer bound to prosecute.

Therefore, great public crimes, as robberies, forgeries, thefts, &c. ought not to be spared, on account of the trouble, or expense, or a misplaced compassion.

Offences, such as nuisances, neglect of public roads, profaneness, drunkenness, the keeping disorderly houses, &c concern the public, and there is great merit in the prosecution of such offences, from proper motives.

But prosecutions for the reward, or for private enmity, where the offence produces no injury, or where it arises from ignorance [redacted] reprobated under the general description [redacted] *plying a rule of law to a purpose for which it was not intended.*

CHAPTER XI.

GRATITUDE.

GRATITUDE is the return made for an act of beneficence.

While gratitude is a great encouragement to acts of generosity and charity, ingratitude checks

and discourages beneficence, not merely to the future injury of the ungrateful person, but to the public injury; for the existence of kindness in the world depends very much on the returns made for it.

Another reason for cultivating a grateful temper, is, that the same principle that is touched with a sense of the kindness of a human benefactor, is susceptible of a sense of the Divine goodness, and the love of God is the sublimest gratitude. Every precept that commands us to love God because he first loved us, directs the principle of gratitude to its proper object.

Gratitude, however, can never oblige a man to do what is wrong. It is not ingratitude to refuse to do what we cannot reconcile with duty; but it is hypocrisy to pretend this as the reason when it is not so.

It is indelicate to upbraid men with the favours they have received; and it is worse, it is grossly immoral to take advantage of benefits conferred, to drive them whom we have obliged, into mean or dishonest compliances.

CHAPTER XII.

SLANDER.

SPEAKING is acting, both in philosophical strictness, and as to all moral purposes. Slander is of two kinds, *malicious* and *inconsiderate*.

Malicious slander, is the relating of either truth or falsehood, with the intention of creating

misery. Truth or falsehood may vary the degree of guilt, but when the end is bad, the means cannot be innocent.

The idea of slander ought to be confined to gratuitous mischief. To infuse suspicions, to kindle or continue disputes, to render some one we dislike contemptible, are offices of slander. Disguises, such as a whisper, an injunction of secrecy, by way of caution, or affected reluctance, are evidences of more deliberate slander.

Inconsiderate slander consists in words or actions that are not designed to produce misery, but such as have that tendency; the want of regard to the consequences of our conduct. It is no answer to this crimination to say, that no design was intended. A servant may be a very bad servant, and yet never design to be such; for his intention may be as prejudicial to his master's interest, as deliberate disobedience.—Information communicated for the real purpose of warning or cautioning, is not slander.

Indiscriminate praise is the opposite of slander, and destructive of confidence, which is the life of social intercourse.

BOOK III.

PART III.

OF RELATIVE DUTIES WHICH RESULT FROM THE CONSTITUTION OF THE SEXES.

THE constitution of the sexes is the foundation of *marriage*.

Collateral to the subject of marriage, are fornication, seduction, adultery, incest, polygamy, divorce.

Consequential to marriage, are the relation and reciprocal duty of parent and child.

CHAPTER I.

OF THE PUBLIC USE OF MARRIAGE INSTITUTIONS.

MARRIAGE institutions promote the following beneficial effects:

1. The private comfort of individuals, especially of the female sex. All may not be interested in this reason, but a majority are, and whatever promotes the happiness of the majority, is binding upon the whole.

2. The production of the greatest number of healthy children, their better education, and the making of due provision for their settlement in life.

3. The peace of human society, in cutting off a source of contention, by assigning one woman to one man, and protecting his exclusive right, by moral and legal sanctions.

4. The better government of society, by distributing the community into separate families, and constituting a head, which has more influence than all civil authority.

5. The security which the state receives from parental attachment, and from the permanent habitations of families.

6. The encouragement of industry.

CHAPTER II.

FORNICATION.

This crime has a tendency to diminish marriages.

It supposes prostitution, which leaves the victim of it in almost certain misery.

It produces habits of ungovernable lewdness, which introduce the more aggravated crimes of seduction, adultery, &c. The criminal commerce of the sexes depraves the moral character; and habits of libertinism indispose the mind for all intellectual, moral, and religious pleasures, which is a great loss to any one's happiness. It perpetuates a disease, the effects of which are said to visit the constitution of distant generations. The Scriptures condemn fornication, and it is ranked among "thefts, murders, and blasphemies," as sins that defile a man,

and "whoremongers and adulterers God will judge."

All the incentives to fornication are accessories to the crime, such as wanton songs, obscene pictures or books, double entendre, or indecent conversation. St. Paul says, "Let no corrupt communication proceed out of your mouth." "Put off filthy communications out of your mouth."

The invitation or voluntary admission of impure thoughts falls within the same description. "Whosoever looketh on a woman to lust after her, hath committed adultery with her already, in his heart." Christ, by thus enjoining a regulation of the thoughts, strikes at the root of the evil.

CHAPTER III.

SEDUCTION.

SEDUCTION is seldom accomplished without fraud, and this is as much worse than common frauds, as the injury is greater, continues longer, and less admits of reparation.

The injury is threefold; to the woman, to her family, and to the public.

1. The injury to the woman is the misery she suffers from shame, loss of reputation, and the deprivation of her moral principle.

2. The injury to the family may be understood by the application of the rule of "doing to others as we would that others should do unto us." Let the seducer ask himself, for what h-

would suffer this injury in a daughter or sister? The injury to the family may be estimated as beyond all price.

3. The loss to the public is the loss of the woman's service in her proper sphere of action, as a wife or a parent.

Upon the whole, if we pursue the effects of seduction, through all the complicated misery which it occasions, and if it be right to calculate the guilt of crimes by the mischiefs they produce, it will appear that seduction is of such a nature, as to deserve the most severe punishment, next to capital punishment.

Here it may be observed, that the woman who depraves her mind, and by wanton or even careless deportment, tempts to guilt, must be considered as a partner in the crime, as she will deservedly be in the disgrace and punishment.

CHAPTER IV.

ADULTERY.

This crime has all the guilt of the former, and much more, on account of the misery it brings upon the husband or wife, who is innocent.

The infidelity of the woman is aggravated by cruelty to her children, who are generally involved in their mother's shame. This pain extends, likewise, to the relatives and friends. It destroys every thing like domestic happiness, where it ought to be secure to the last.

The institution of marriage is divine, and the vow made at the altar has the solemnity of an oath; and therefore the married offender incurs all the guilt of perjury, and the seduction of a married woman is little (if any) less than subornation of perjury.

All behaviour designed to captivate the affections of a married man or woman, for unlawful purposes, is a barbarous intrusion upon the peace and virtue of a family, though it fall short of adultery.

The guilt of one party does not justify the want of virtue in the other. The law allows of divorce in this case, and this is the proper remedy.

The command of God, "thou shalt not commit adultery," never accommodates itself to circumstances. It is imperative in every situation, and "whoremongers and adulterers God will judge."

CHAPTER V.

INCEST.

INCEST is the commerce of the sexes when they are near relations.

To preserve chastity in families, and between those who live together in unreserved intimacy, it is necessary to inculcate an abhorrence of incestuous connexions. Upon this principle the marriage or cohabitation of brothers and sisters of lineal kindred, and of all who usually live in the same family, may be said to be forbidden by the law of nature, as well as by the law of God.

CHAPTER VI.

POLYGAMY.

POLYGAMY violates the constitution of nature, and the apparent design of the Deity, who hath created nearly an equal number of males and females. It produces also to the parties themselves, and to the public, the following bad effects;—contests and jealousies among the wives of the same husband, distracted affection, or the loss of all affection, voluptuousness and effeminacy among the rich, the abasement of the female sex, and the neglect of children.

The several passages in St. Paul's writings which speak of marriage, always suppose it to signify the union of one man with one woman. In all countries where the Christian religion is embraced, polygamy is forbidden; but in most countries where it is not embraced polygamy is allowed. This is an evidence of the moral tendency of Christianity.

CHAPTER VII.

DIVORCE.

DIVORCE is the dissolution of the marriage contract, at the will of the husband or wife.

The marriage contract should be indissoluble during the life-time of the parties, to preserve peace and concord between them, by perpetuating their common interest, and by inducing a necessity of mutual compliance.

New objects of desire would be continually

sought after, if the parties could, at will, be released from their engagement.

The power of divorce is greatly to the disadvantage of the wife, who, being the weaker by nature, needs the more protection from the laws.

The law of nature admits of a dissolution of marriage, in cases of adultery, and, perhaps, of outrageous cruelty.

The Scriptural declaration is, "that whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery, and whoso marryeth her that is put away, doth commit adultery."

There may be other cases, in which a separation *a mensa et toro*, may be justifiable, but in such cases, the parties are not permitted to marry again.

The facility with which divorces have been obtained in some of the United States has operated as a public injury, and a disgrace to the legislature who have permitted them for very trivial causes.

That marriage is a divine institution we have good reason to believe. If so, the Divine law that limits divorces, ought to have the sanction of every civil government.

CHAPTER VIII.

MARRIAGE.

The marriage rite, in almost all countries of the world, has been made a religious ceremony.

In treating of marriage, it will be necessary to state the terms of the marriage vow, in order to discover,

1. What duties this vow creates.

2. What situation at the time is inconsistent with it.

3. By what subsequent behaviour it is violated.

The husband promises, on his part to "love, comfort, honour, and keep his wife." The wife, on her part, promises to "obey, serve, love, honour, and keep her husband, in every variety of health, fortune, and condition," and both stipulate to "forsake all others, and keep only unto one another, so long as both shall live." This promise or vow is made, when marriage is celebrated, as it ought to be, with religious solemnity, that renders the obligation of it near to that of an oath.

The parties engage their personal fidelity to consult and promote each other's happiness, and the wife promises obedience to her husband. This is agreeable to the Scriptures.—"Let the wife," says St. Paul, "be subject to her own husband in every thing."

He acts inconsistently with the marriage vow, who is conscious at the time he makes it, of such an attachment to some other woman, which he cannot reasonably expect to entertain for his future wife. This may be said of all who marry, from mercenary motives, the objects of their aversion or disgust; and of those who desert the object of their affection, and marry another, while they are unable to subdue that affection. The same may be said of the woman.

The marriage vow is violated by adultery, or by any behaviour which knowingly renders the life of the other miserable; as desertion, neglect, prodigality, drunkenness, peevishness, penuriousness, jealousy, or any levity of conduct which may give occasion of jealousy.

CHAPTER IX.

OF THE DUTY OF PARENTS.

THE duty of parents to their children may be explained under the following heads; *maintenance, education*, and a reasonable *provision* for the child's happiness in respect of outward condition.

1. Maintenance.

The wants of children make it necessary, that some person maintain them; and reason teaches us that this duty belongs to their parents.

Those, then, are guilty, who run away from their families; or by indolence or drunkenness, are unable to maintain them; or for want of diligence and frugality, leave them destitute at their death; as also those who neglect the care of their bastard offspring.

The Scriptures enforce the duty of parents, as to the maintenance of their families thus, "If any provide not for his own, especially for them of his own household, he hath denied the faith, and is worse than an infidel."

2. Education.

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By education is to be understood *every preparation that is made in youth for the sequel of life.*

In civilized life, every thing is effected by art and skill, and he who is provided with neither, will be useless, and at the same time, mischievous to society. To send an uneducated child into the world is a public injury, and little better than to turn out a mad dog or a wild beast into the streets.

This principle condemns the neglect of parents in the common paths of life, who do not habituate their children to industry, by providing them with some trade, by which they can obtain an honest and comfortable livelihood. Their necessities must be supplied, and if this is not done honestly, it will be done by dishonest means.

In the middle orders of society, those are most reprehensible, who neither qualify their children for a profession, nor enable them to live without one; and those in the higher order, who omit to procure for their children the attainments necessary to make them useful in the stations to which they are destined.

3. A reasonable provision for the child's happiness, in respect of outward condition, requires three things—a situation suitable to his habits and reasonable expectations—a competent provision for the exigencies of that situation—and a probable security for his virtue.

A situation suitable to the reasonable expectations of a child, is one similar in rank and condition to the parents, or similar to what other parents of a like condition provide for their children.

Providing a child with a situation, includes a a competent supply, for the expenses of that situation.

Parents should endeavour to preserve their children in the class of society in which they were born. A father should endeavour to enable his daughters to lead a single life, with as much independency and decorum, as his circumstances will permit.

To obtain a probable security for the virtue of a child, he must be taught that he is accountable in another world for his conduct in this; and the lessons of virtue must be sanctioned by the practice of the parent. A good parent's first care is to be virtuous himself, and his second is, to make his virtues as easy and engaging to those around him as he possibly can. Something may be done to protect the virtue of a child, in the choice of his situation; as a retired life for a young person addicted to licentious pleasures, a private station for the proud and passionate, a liberal profession and a town life for the mercenary. The reserved, timid, and indolent, will have his faculties called forth, and his nerves invigorated, by a public education. Youths of strong spirits and passions will be safer with a private education. Much depends on the choice of companions, and parents cannot be too attentive to the situation of their children in this respect, for "evil communications corrupt good manners," even at a very early age.

CHAPTER X.

THE RIGHTS OF PARENTS.

THE rights of parents result from their duties, and as it is the duty of parents to maintain, to educate, and to form their children for usefulness and virtue, they have a right to such authority, and to exercise such discipline, as may be necessary for these purposes.

Parents have a right to elect professions. In a competition of commands between the father and mother, the father is to be obeyed.

In case of the death of one parent, the authority, as well as the duty, devolves upon the survivor.

Parents have no natural rights over the lives of their children, nor to exercise unprofitable severities, nor to command the commission of crimes, nor to sell them to slavery, nor to oblige them to marry, to exalt or enrich their family, nor to prevent their marriage, to the destruction of their happiness, from any motive of pride or avarice, nor from hostility or personal pique.

CHAPTER XI.

THE DUTY OF CHILDREN.

THE duty of children may be considered,

1. During childhood.
2. After they have attained to manhood, but [illegible]e in their father's family.

3. After they have attained to manhood, and have left their father's family.

1. During childhood.

The submission of children, during this period, must be ready and implicit, with the exception of what is manifestly unlawful or criminal.

2. After they have attained to manhood, but continue in their father's family.

In this situation, besides the obligation of gratitude to their parents, they are bound to observe such regulations of the family as the father shall appoint, to contribute their labour for its support, if required, and to confine themselves to such expenses as he shall allow. The obligation would be the same if admitted into any other family, or if they received support from any other hand.

3. After they have attained to manhood, and have left their father's family.

In this situation the duty is that of gratitude, and this is in proportion to the obligation created, by the offices of tenderness and benevolence to the child. Gratitude will show itself, by a compliance with the will of the parents, by a constant endeavour to promote their happiness, by assisting them in their business, in contributing to their support. ease, or better accommodation, in affording them our company, in waiting upon them in sickness, in bearing with their infirmities of body, and in every innocent and reasonable indulgence; for where must old age find indulgence, if it does not meet with it in the partiality of children.

With respect to marriage, or the choice of

profession, the child may consult, and be influenced by the judgment of the parent; but his own judgment ought finally to determine his conduct.

The duty of children to parents was made the subject of one of the Ten Commandments, which is recognised by Christ himself.

Obedience to parents is enjoined by St. Paul to the Ephesians: "Children, obey your parents in the Lord, for this is right;" and to the Colossians: "Children, obey your parents in all things, for this is well pleasing unto the Lord."

BOOK IV.

DUTIES TO OURSELVES.

THIS division of the subject is merely for the sake of method, and to consider, under this head, the right of *self-defence*, *drunkenness*, and *suicide*.

CHAPTER I.

THE RIGHT OF SELF-DEFENCE.

IN civil society, as well as in a state of nature, we have a right, when our life is assaulted, to kill the assailant. This liberty is restrained to cases, in which no other probable means of preserving life remains; as flight, calling for assistance, disarming the adversary, &c. This rule applies to such voluntary attacks, as by an enemy, robber, or assassin: or, to such involuntary ones, as by a madman, and in a shipwreck, where two persons seize upon a plank that will support but one.

The instance which approaches nearest to the preservation of life, is the defence of chastity.

Homicide, in England, is justifiable,

1. To prevent the commission of a crime, which, when committed, would be punishable with death; as to prevent murder, or the breaking into a house by night, but not by day.

2. In necessary endeavours to carry the law into execution, as suppression of riots, or apprehension of malefactors.

CHAPTER II.

DRUNKENNESS.

DRUNKENNESS is either actual or habitual; as it is one thing to be drunk, and another to be a drunkard.

The mischiefs of drunkenness are,

1. It betrays persons into extravagancies of anger and lewdness.

2. It disqualifies men for the duties of their station.

3. It is attended with expense.

4. It occasions distress to a family and friends.

5. It shortens life.

6. It is a social vice, and corrupts society by example.

Drunkenness is forbidden in the Scriptures under the heaviest penalties.

"Be not drunk with wine, wherein is excess."—"Let us walk honestly, as in the day, not in rioting and *drunkenness*."—"Neither fornicators, nor *drunkards*, shall inherit the kingdom of God."

The guilt of a crime committed by a drunken man, who is deprived for the time, of moral agency, consists in bringing himself into that condition, and the crime is punishable, as though it had been committed with faculties entire; because every man is bound to be sober.

The appetite for intoxicating liquors is almost always acquired. The habit is generally formed by the social invitation of some one or more

companions. To prevent the habit you must establish rules of sobriety, and rigidly adhere to them, and the more so, as danger approaches. If the habit is formed, a change of company or employment may assist in a reformation. But nothing will be effectual, without the most determined efforts, and no efforts ought to be spared to save one's self from the disgrace and ruin that await it.

CHAPTER III.

SUICIDE.

Suicide is caused by some violent mental pain, with which no one is acquainted, but the person who experiences it.

If under this pain one man has a right to take away his own life, he himself being the judge of the intensity of his own sufferings, then every man has the same right.

The general consequences of such a rule would sanction suicide in all cases, for every one who was disposed to commit it, would be disposed to form such a judgment of the intensity of his pain, as to justify such a proceeding. Men who pretend to justify suicide, have mistaken the object of their creation. This is a state of trial, and not of happiness. Neither reason nor religion authorizes us to consider this life as any other than a probation for the next. We have certain duties that we ought not to desert,—the world has claims upon us,

which it is wrong to defraud.—Suicide occasions loss, affliction, and digrace to families and friends; and excites suspicions of sincerity, morality, and religion.

This passage of Scripture, "Thou shalt not kill, or commit murder," contains an evident prohibition.

Human life is spoken of as a *term* assigned to us. "Let us run the race set before us."—"I have finished my course."—"That I may finish my course with joy."—"Ye have need of patience." These passages imply the duty of living, and of discharging our obligations to God, as long as we do live.

Christ and his apostles repeatedly inculcate the duty of patience, as, "Consider him that endured such contradiction of sinners against himself, lest ye be wearied and faint in your minds."

The apostles and primitive Christians endured every thing, though they expected their change to be infinitely beneficial. If it had been no crime to put an end to their sufferings, it would be difficult to account for their patience under them.

BOOK V.

DUTIES TOWARDS GOD.

CHAPTER I.

DIVISION OF THESE DUTIES.

By duties towards God, is to be understood, those of which God is the *object*, as well as the *author*.

Our duty towards God, so far as it is external, is divided into *worship* and *reverence*.

Worship consists in action, *reverence* in forbearance: as when we go to church on the Lord's day, with a sense of duty to God, we perform an act of worship; when we rest in a journey on that day, from the same motive, we discharge a duty of reverence.

Divine worship is made up of *adoration*, *thanksgiving*, and *prayer*.

CHAPTER II.

ON THE DUTY AND EFFICACY OF PRAYER, SO FAR AS THE SAME APPEARS FROM THE LIGHT OF NATURE.

Prayer is practised in every nation, where there is any sense of a superior and superintending providence. The practice may be said to be universal, and what is universal may be called natural.

The same may be said of thanksgiving.

Prayer is necessary, to keep up in the minds of men a sense of God's agency in the universe, and of their dependence upon him.

The duty of prayer depends upon its efficacy. The efficacy of prayer imports, that we obtain something by praying that we should not have received without prayer. Against this expectation, the following objection is made:

"If what we request be fit for us, we shall have it without praying; if not, we cannot obtain it by praying."

The answer to this objection is, that it may be agreeable to infinite wisdom to grant that to prayer, which would not be granted without it.

Another question arises, viz. "What virtue is there in prayer, which should make a favour consistent with wisdom, which would not have been so without it?" The answer is,

1. A favour granted to prayer may be more apt, on that very account, to produce good effects upon the person obliged.

2. It may be consistent with infinite wisdom to withhold his favours until they are asked for.

3. Prayer has a natural tendency to amend the petitioner.

CHAPTER III.

OF THE DUTY AND EFFICACY OF PRAYER, AS REPRESENTED IN SCRIPTURE.

The light of nature may leave us in doubt on this, as on almost every other subject of reli-

gion; but revelation supplies the defect of natural religion. The passages of Scripture that relate to prayer, may be placed under the five following heads:—the duty and efficacy of prayer in general,—of prayer for particular favours by name,—for public national blessings,—of intercession for others,—and of the repetition of unsuccessful prayers.

1. Texts enjoining prayer in general.

"Ask, and it shall be given: seek, and ye shall find."—"If ye, being evil, know how to give good gifts unto your children, how much more shall your Father, which is in heaven, give good things to them that ask him."—"Watch ye, and pray *always*."—"Continuing instant in prayer."—"By prayer and supplication, with thanksgiving, let your requests be made known unto God."—"I will that men pray every where."—"Pray without ceasing."

2. Examples of prayer for particular favours by name.

"For this thing I besought the Lord thrice." "Praying exceedingly, that we might see your face."

3. Directions to pray for national or public blessings.

"Pray for the peace of Jerusalem."—"Ask ye of the Lord rain."—"I exhort, therefore, that first of all, prayers, intercessions, and giving of thanks, be made for all men, for kings, and all that are in authority."

4. Examples of intercession.

"Remember Abraham, Isaac, and Israel, thy servants."—"Peter was kept in prison, but prayer was made without ceasing, of the church

unto God for him."—"I make mention of you always in my prayers."—"That ye strive together with me, in your prayers for me."—"Pray for one another."—"The effectual, fervent prayer of a righteous man availeth much."

5. Declarations and examples authorizing the repetition of unsuccessful prayers.

"Men ought always to pray, and not to faint." "Prayed the third time, saying the same words" "I besought the Lord thrice."

CHAPTER IV.

OF PRIVATE PRAYER, FAMILY PRAYER, AND PUBLIC WORSHIP.

1. Private prayer.

The advantages peculiar to private prayer are, the expression of private wants, its earnestness, and its solemnity, as in the presence of God only.

Private prayer is sanctioned by the authority and example of Christ. "When thou prayest, enter into thy closet; and when thou hast shut thy door, pray to thy father which is in secret, and thy father which seeth in secret, shall reward thee openly."—"And when he had sent the multitude away, he went up into a mountain apart to pray."

2. Family prayer.

The peculiar use of family prayer is its influence upon servants and the younger members of a family; the force of the example of the fa-

ther or master; the order or method which a daily attendance on this duty produces; and the opportunity of expressing those domestic occurrences with which the public have no concern.

3. Public worship.

Public worship is useful for moral and religious instruction; for without it, a great part of mankind would exercise no religious worship.

Every member of society is bound to attend public worship, if not for instruction and devotion, he is so for example.

The pious man who neglects public worship for devotional exercises at home, by his example may influence others to absent themselves for very different purposes. The general consequences of absenting ourselves from public worship are injurious to good order and morality, as well as to religion.

Besides this, it is a violation of an inspired injunction: "Not forsaking the assembling of ourselves together, as the manner of some is." A disciple of Christianity will consider the practice of the Apostles as little, if any, inferior to a command.

CHAPTER V.

OF FORMS OF PRAYER IN PUBLIC WORSHIP.

The advantages of a liturgy, or a precomposed form of prayer, are these,

1. It prevents absurd, extravagant, or impious petitions to God.

2. It enables congregations to join with their minister, and public prayer must be joint prayer.

The disadvantages are,

1. Forms of prayer composed in one age, by unavoidable change of language, become unfit for another.

2. The repetition of the same form produces weariness and inattentiveness in the congregation.

The first disadvantage is obviated by occasional revisions—and devotion will remedy the second.

The Lord's prayer is a precedent, as well as a pattern. Our Saviour authorized forms of prayer, when, in compliance with the request of his disciples, he said, "When ye pray, say Our Father, which art in Heaven," &c.; as also when he prayed *three times, saying the same words.*

The properties required in a public liturgy are, that it be compendious; that it express just conceptions of the divine attributes; that it recite such wants as the congregation are likely to feel, and none other; and that it contain as few controverted propositions as possible.

1. That it be compendious.

Brevity should be studied, but this may be studied too much. It should have diversity enough to make it interesting, without fatiguing by its length.

The style of the liturgy of the Protestant Episcopal Church is calm without coldness, and though every where sedate, yet often affecting. The enumeration of human wants and sufferings

is almost complete. A Christian petitioner can have few things to ask of God, or to deprecate, which he will not find there expressed, and for the most part, with inimitable tenderness and simplicity.

2. That it express just conceptions of the divine attributes.

This requires great care, for the popular notions of the character of God are influenced, if they are not established, by what is expressed in the public prayers.

3. That it recite such wants as the congregation are likely to feel, and none other.

That form has the most merit which is best calculated to keep alive the devotion of the congregation.

4. That it contain as few controverted propositions as possible.

A Christian liturgy must express the leading doctrines of Christianity; but it should be as free as possible from sectarian notions and terms.

CHAPTER VI.

OF THE USE OF SABBATICAL INSTITUTIONS.

To assemble congregations for religious worship, some particular time must be agreed on, and it is very desirable that this time should be the same, at least, in the same neighbourhood, that common business may not interrupt the concerns of religion on these occasions.

A regular return of a day of rest conduces to

the comfort of the labouring class of people, and one day in seven is none too much to recruit the animal spirits.—Sunday gives, to all classes of the community, an opportunity for meditation, devotion, and the attainment of Christian knowledge. It affords also a day of rest to the brute creation. The advantages of arrangement or method, produced by a regular return of every seventh day as a day of rest, have not been sufficiently considered. To these, we may add the benefit of religious assemblies, in point of cleanliness and good manners, particularly to the common class of society.

CHAPTER VII.

OF THE SCRIPTURE ACCOUNT OF SABBATICAL INSTITUTIONS.

The Sabbath, as a day of rest and religious worship, was established by Divine authority, among the Jews, and was kept by them with peculiar attention. This was the seventh day of the week.

After the resurrection of Christ, we find that one day was called the Lord's day. "I was in the Spirit on the Lord's day." Rev. i. 10.

The practice of the Apostles, in holding their religious assemblies on the first day of the week, enables us to understand what is meant by "The Lord's day," for on that day it is repeatedly stated, "that the disciples came together to break bread;" and with very few ex-

ceptions, and these of modern date, the followers of Christ have considered the first day of the week as the proper time of rest and religious worship; and from the practice of the Apostles, we may say, that the assembling upon the first day of the week, for the purpose of public worship and religious instruction, is a law of Christianity of Divine appointment.

CHAPTER VIII.

BY WHAT ACTS AND OMISSIONS THE DUTY OF THE CHRISTIAN SABBATH IS VIOLATED.

The uses proposed by this institution are,

1. To facilitate attendance upon public worship.

2. To meliorate the condition of the laborious classes of mankind, by regular and seasonable returns of rest.

3. By a suspension of business and amusements, to invite and enable persons of every description, to apply their time and thoughts to subjects appertaining to their salvation.

The duty of this day is violated—

1. By all employments that hinder our attendance upon public worship, or that tend to divert us from religious meditation and religious improvement.

2. By unnecessarily preventing any other from a due observation of this day, particularly servants, and the inferior order of the community.

3. By vain recreations.

CHAPTER IX.

OF REVERENCING THE DEITY.

God hath been pleased to forbid the vain mention of his name.—"Thou shalt not take the name of the Lord thy God in vain."

The name of God is taken in vain when it is used without a serious intention to serve some good purpose, as when it is used idly, or without any consideration of devotion, to express anger, or courage, or earnestness, or mirth, or when it is used at all, except in acts of religion, or in seasonable discourse upon religious subjects.

The words of Christ extend the prohibition beyond the name of God, to every thing associated with the idea of God.—"Swear not, neither by heaven, for it is God's throne; nor by the earth, for it is his footstool; neither by Jerusalem, for it is the city of the great King; neither shalt thou swear by thy head, because thou canst not make one hair white or black."

Duty and decency are sacrificed by the profane swearer, without the plea of temptation.

The man who has the low and sinful habit of profane swearing, shows plainly that a sense of duty has not taken strong hold upon the affections of his soul, and that he has not just views of the Divine character, nor a proper sense of obligation to God.

Mockery or ridicule, when it is exercised upon the Scriptures, upon the places, persons, or forms, of religion, come within the prohibition of Christ.

Upon the subject of religion, nothing is so absurd as indifference; no folly so contemptible as thoughtlessness and levity. As religion relates to the concerns of eternity, it never should be mentioned but with reverence; for on eternity depends all that can interest man after death. "Be not rash with thy mouth," nor let even "thy heart be hasty to utter any thing before God," for, "every idle word will be brought into judgment," much more such words as profane God's name, for out of the abundance of the heart the mouth speaketh.

Every thing then that relates to God the Father, Jesus Christ the Son, and the Holy Spirit, or the religion which God hath taught us, must be thought and spoken of with reverence and seriousness, that the name of God may be hallowed by men, who are his workmanship, and who live and move, as well as have their being, in *Him* who is over all God blessed for ever.

BOOK VI.

ELEMENTS OF POLITICAL KNOWLEDGE.

CHAPTER I.

OF THE ORIGIN OF CIVIL GOVERNMENT.

GOVERNMENT, at first, was either *patriarchal*, as that of a parent over his family, or *military*, as that of a commander over his fellow-warriors.

1. Paternal authority supplies the foundation of civil government. A family contains the rudiments of an empire, for the constitution of families not only assists the formation of civil government by the disposition which it generates, but it furnishes also the first steps of the process by which empires have been reared. The first stage of the progress is that of a parent over his young children; the second that of an ancestor presiding over his adult descendants.

2. The second source of personal authority is that which results from military arrangement.

The leader of a family or clan, may acquire not only an ascendancy over his own family or clan, but also over one or more contiguous to

him; and by incorporating the conquered into his own dominion, in the course of time he may have the control of many families less brave or less experienced in war than his own.

The warrior, who led victorious soldiers to battle, has acquired authority in time of peace, and the attachment of his followers being placed upon his son or friend, may tend to render him the successor. Sometimes the danger of divisions may induce the people to give the government to the son of a ruler, even when he has been no way distinguished, either for bravery or wisdom, and thus introduce an hereditary government, to avoid the evils of civil war.

Lastly, our theory affords a presumption, that the earliest governments were monarchies, because the government of families and armies, from which civil government derives its institution, is universally monarchical.

CHAPTER II.

HOW SUBJECTION TO CIVIL GOVERNMENT IS MAINTAINED.

THE physical strength of every nation resides in the governed, yet we find them yielding their strength, and giving their power to one, or to a few, whose weakness they are as sensible of, as they are of their own physical strength. To influence men to this, there must be motives, though they may not be all the same. There are three leading motives that induce people to render obedience to civil government.

These are *prejudice*, *reason*, and *self-interest*.

1. They who obey from prejudice are determined by an *opinion* of right in their governors, which *opinion* is founded on *prescription*. In hereditary governments, this prescription operates in favour of particular families—in republics, it operates in favour of particular constitutions.

2. They who obey from reason are determined by the consideration of the necessity of government, by the certain mischiefs of civil commotions, and the danger of making any improvement in the government by a revolution.

3. They who obey from self-interest are kept in order by want of leisure, by cares, pleasures, or engagements, by contentment, or a sense of ease, plenty, or security, or by the danger of any change.

These considerations may suggest the following cautions:

1. Let civil rulers respect their subjects; and it becomes them to reflect, that *the physical strength resides in the governed*; that civil authority is founded on opinion, and that opinion ought to be treated with delicacy.

2. Opinion of right follows custom, and every innovation diminishes the stability of government.

3. Government may be too secure; for the greatest tyrants have been those whose titles were the most unquestioned.

CHAPTER III.

THE DUTY OF SUBMISSION TO CIVIL GOVERNMENT EXPLAINED.

The duty of submission to civil government may arise from a compact of the individuals, who first formed the constitution, and from the majority, who gave their tacit consent to it at the time of its formation, and the tacit or implied compact of all succeeding members of the state, who, by accepting its protection, consent to be bound by its laws.

Such is our situation as citizens of the republic of the United States.

The people formed the compact, when, by their representatives, they formed and assented to the Constitution. This compact is a mutual agreement of the people with each other, in which they severally and individually promised expressly by their vote, or tacitly by accepting the protection of the laws, to obey that government which they had made or assented to. Such as have become citizens of the United States, since its formation, either by birth, naturalization, or otherwise, by accepting the protection of the government, have given their assent to it, and therefore owe the same submission to the laws of the country, as though they had been of the number who formed the Constitution.

This compact or constitution is, at all times, subject to the will of the people; as it provides

for its emendation or alteration by the voice of the people.*

Whenever the rulers violate this compact, they are amenable to the laws, or to the will of the people; so that where there is law, that law affixes the punishment; but where there is none, the people can withhold their suffrages, and thus reduce them to the condition of private citizens.

The ground of obligation, whether the government be by compact or otherwise, is the will of God.

The argument is as follows—

It is the will of God that the happiness of human life be promoted. Civil society conduces to this end. Civil society cannot be upheld unless the interest of the whole society be binding upon every part and member of it; and so long as the interest of the society requires it, it is the will of God that the established government be obeyed.

A government may be resisted, when more advantage than disadvantage will accrue to the community by such resistance. In the calculation of the advantage or disadvantage of resistance to government, the probable expense, from the loss of life, property, peace, and security, and the ultimate success of the undertaking, must be taken into the account.

When a government is peaceably established, it may not be resisted on account of the fraud

* That it may retain its character of something almost sacred, is it not best to touch it with a careful hand, and even suffer some blemishes to remain, rather than to endanger it by too many erasures and emendations?

or violence by which the establishment was made. A departure from duty in rulers must be such as to draw after it public consequences, that outweigh the evils of civil disturbance, before resistance may be made to them, except in a constitutional manner. No law nor usage ought to be continued when it may be changed with evident advantage to the community. The interest of the whole society is binding upon every part.

CHAPTER IV.

OF THE DUTY OF CIVIL OBEDIENCE, AS STATED IN THE CHRISTIAN SCRIPTURES.

THE passages of Scripture that relate to civil government, and have been brought to prove the doctrine of passive obedience and non-resistance, are, Romans, 13th chapter, 1st to 7th verse; and 1 Peter, 2d chapter, 13th to 18th verse.

These passages inculcate the *duty*; they do not describe the *extent* of civil obedience. This is also the method in which the same apostles enjoin the duty of servants to their masters, of children to their parents, of wives to their husbands. "Servants, be subject to your masters:" "Children, obey your parents in all things:" "Wives, submit yourselves to your own husbands." Here we find no exceptions made; yet no one doubts but that the commands of masters, parents, and husbands may be so unjust and inconsistent with other obliga-

tions, that they both may and ought to be resisted.

Neither the apostles nor the primitive Christians complied in all things with the literal interpretation of the command. "Let every soul be subject unto the higher powers:" "Submit yourselves to every ordinance of man for the Lord's sake."

When the apostles were directed by "an ordinance of man" to sacrifice to heathen deities, they refused; and for their refusal, they suffered death. The same may be said of the primitive Christians. These apostolic commands, then, have their exceptions, though these exceptions are not expressed.

With respect to the extent of our civil rights and obligations, Christianity hath left us where she found us; for the New Testament, fairly interpreted, affords neither argument nor objection against the conclusions already established.

CHAPTER V.

OF CIVIL LIBERTY.

CIVIL *liberty is the not being restrained by any law but what conduces in a greater degree to the public welfare.*

To do what we will, is *natural* liberty; to do what we will, consistently with the interest of the community to which we belong, is *civil* liberty.

The liberty of a state of nature exists only in

a state of solitude. In civil society, the liberty of the individual is augmented by the very laws that restrain it, because he gains more by the limitation of other men's freedom than he suffers by the diminution of his own. *Natural* liberty is the right of common upon a waste. *Civil* liberty is the safe, exclusive, unmolested enjoyment of a cultivated enclosure.

The definition of civil liberty intimates, 1. That restraint is an evil. 2. That this evil ought to be overbalanced by some public advantage. 3. That the proof of this advantage lies upon the legislature. 4. A law should be repealed which produces no good effect.

A citizen of the freest republic in the world may be imprisoned for a crime, yet so long as his confinement is the effect of a beneficial public law, his *civil* liberty is not invaded. This explains the distinction between *personal* and *civil* liberty. The subject, for the time, loses his *personal*, but not his *civil* liberty.

The constitution, government, and people are the most free, which make the best provision for enacting expedient and salutary laws, and for the prompt execution of the same.

CHAPTER VI.

OF DIFFERENT FORMS OF GOVERNMENT.

THE person, or assembly, in whom the supreme power resides, is called the *sovereign*.

Since to the same power universally apper-

tains the office of establishing public laws, it is called also the *legislature* of the state.

A government receives its denomination from the form of the legislature, which form is what we commonly mean by the *Constitution*.

There are three forms of government, Despotism, Aristocracy, and a Republic.

1. Depotism, or absolute *monarchy*, is where the legislature is in a single person, or where the same person establishes and executes his own laws.

2. An *Aristocracy* is where the legislature is a select assembly, who supply their own vacancies, or come to their office by hereditary right.

3. A Republic, or democracy, is where the people at large, either collectively or by representation, constitute the *legislature*.

The advantages of a *monarchy* are unity of council, activity, decision, secrecy, despatch, the preventing, by a known rule of succession, all competition for the supreme power.

The dangers of a *monarchy* are tyranny, expense, inaction, military domination, unnecessary wars, risk of the character of the sovereign, ignorance in the governor of the interests of the people, a want of salutary regulations, and of constancy and uniformity, and of security of person and property.

The advantages of an *Aristocracy* are experience and education.

The disadvantages of an *Aristocracy* are dissensions among the rulers, oppression of the lower by the higher orders, and partial laws.

The advantages of a *Republic* are liberty, equal laws, regulations adapted to the wants of

the people, public spirit, frugality, averseness to war, the elevation of talents and worth.

The disadvantages of a *Republic* are dissensions, tumults, factions, inordinate ambition, confusion, rage and clamour, the delay and disclosure of public counsels and designs, the imbecility of measures for want of popularity.

A *mixed* government is composed of two or more of the simple forms of governments above described.

An *hereditary* monarchy is universally to be preferred to an *elective* monarchy.

Advantages of a *Democratic* constitution, not before enumerated.

1. The direction which it gives to the education, studies, and pursuits of the intelligent and educated parts of the community, by exciting them to virtue, patriotism, and knowledge, with the hopes of political dignity and importance.

2. Popular elections procure, to the common people, courtesy from their superiors.

3. The information and satisfaction of the people derived from the knowledge and agitation of political subjects.

CHAPTER VII.

OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

THE *Constitution of the United States of Americ* is a compact made by the legal representati

of the people, assembled together for that purpose.

The *Constitution* was made to form a more perfect union, to establish justice, ensure domestic tranquillity, to provide for the common defence, promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity.

The powers of this constitution may be divided into *Legislative*, *Executive*, and *Judicial*.

The *Legislative* power is vested in a Congress

Congress consists of a *Senate* and a *House of Representatives*.

The *Senate* consists of two senators from each state, chosen for the term of six years by the Legislature of the state which they represent.

A *senator* must have attained the age of thirty years, have been a citizen of the United States nine years, and he must be an inhabitant of the state for which he is chosen.

The *Vice President* is ex-officio President of the Senate, but the other officers are chosen by the Senate.

The *Senate* tries all impeachments, and no person can be convicted without the concurrence of two-thirds of the members present.

The *Senate* determines the validity of elections, and the qualifications of its own members, forms its own rules, and keeps a journal of its proceedings.

The *Senate* has a negative in all executive appointments made by the President.

The *House of Representatives* consists of one

representative for every forty-five thousand inhabitants, to be chosen for two years by legal voters, in such manner as the several states shall direct.

A *representative* must have attained the age of twenty-five years, he must have been a citizen of the United States seven years, and he must be an inhabitant of the state in which he is chosen.

The *House of Representatives* choose their own speaker, and other officers, and have the exclusive power of impeaching public officers, and of originating bills for raising a revenue, determines the validity of elections, and the qualifications of their own members; and they have the right of electing the President by states when no choice is made by the electors.

The *Congress of the United States*, by a concurrent vote, has power to make and enforce all laws which are necessary to the general welfare; as, to lay and collect taxes, imposts and excises, borrow money, regulate commerce, establish uniform rules of naturalization, and uniform laws on the subject of bankruptcies, coin money, establish post roads and posts offices, promote the arts and sciences, institute tribunals inferior to the supreme court, define and punish piracy, declare war and make reprisals, raise and support armies, provide a navy, regulate the militia, and make all laws necessary to carry these powers into effect.

Restrictions.

No bill of attainder nor ex post facto law shall be passed. The writ of habeas corpus cannot be suspended, except in cases of rebellion or in-

vasion. No direct tax can be laid except according to a census of the inhabitants. No duty can be laid on exports. No money can be drawn from the treasury, except appropriated by law.

No title of nobility can be created, nor can any public officer, without consent of Congress, accept of any present or title from any foreign prince or state.

The *States* are restrained from emitting bills of credit, from making any thing but gold or silver a tender for debt, and from passing any law impairing private contracts.

Congress can make no law respecting an establishment of religion, nor abridge the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government.

No soldier, in time of peace, shall be quartered in any house.

No person shall be held to answer for a crime unless on presentment, except in the land or naval forces, nor to answer twice for the same offence.

The executive power shall be vested in a *President*.

The *President* shall hold his office during the term of four years.

To qualify a man for President, he must have been a citizen of the United States at the time of the adoption of the Constitution, or a native of the United States, and he must have attained the age of thirty-five years.

The President is chosen by *electors*, appointed by the several states, in proportion to the

number of senators and representatives from each state.

The following oath is taken by the President:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

The President is commander-in-chief of the army and navy, and he has power to grant reprieves and pardons for offences except in cases of impeachment.

He has power, with the consent of two-thirds of the Senate, to make treaties. He nominates, and with the consent of the Senate, appoints ambassadors, and other public ministers, consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not otherwise provided for. He has power to fill up vacancies which may happen during the recess of the Senate, by granting commissions, which expire at the end of the next session of Congress.

The President shall give to Congress information of the state of the Union, recommend such measures as he may think expedient. He may convene Congress, and in case of disagreement with respect to the time of adjournment, he may adjourn them.

The President shall receive all ambassadors and other public ministers, and commission all the officers of the United States.

Any officer of the United States shall be removed from office on conviction of treason,

bribery, or other high crimes and misdemeanors.

The *Vice President* is elected for the same term of years, and in the same manner, as the President.

In case of death, resignation, or inability of the President, the Vice President has all the powers, and performs all the duties of President.

The *Judicial* power of the United States is vested in one *Supreme Court*, and in such inferior courts as Congress may establish.

The *Judges* hold their offices during good behaviour.

The Judicial power extends to all cases in law and equity under the Constitution, the laws of the United States, and treaties made under their authority; to all cases affecting ambassadors, public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies, to which the United States shall be a party; to controversies between the States in which the United States is a party; between citizens of different states; between citizens of the same state, claiming lands under grants of different states.

The trial of all crimes, except impeachment, shall be by jury, and shall be held in the state where the said crime shall have been committed.

The powers not delegated to the United States are reserved to the several states.

Treason is restricted to the act of levying war against the United States, adhering to their enemies, giving them aid and comfort.

A conviction of treason is not followed by a corruption of blood, to disinherit the heirs of the criminal, nor forfeiture of estate, except during the life of the offender.

Congress may admit new states by securing to them a republican form of government, and the protection of the Constitution and Laws.

The People have a right to security in their persons, papers, and effects, against unreasonable searches and seizures, and no warrants shall issue but upon probable cause, supported by oath or affirmation.

The Constitution, and Laws of the United States made in pursuance thereof, are made the supreme law of the land.

This supreme law, all the officers of government are bound by oath or affirmation to support —but no religious test can ever be required as a qualification for any office.

The Constitution of the United States may be amended by the votes of two-thirds of the several states.

PECULIAR ADVANTAGES OF THIS CONSTITUTION.

The peculiar advantages of this Constitution are,

1. That it provides for its own preservation.
2. It secures the rights of the people.

1. It provides for its own preservation by being subject to revision and amendment by the people; and by the check which the Legislative, the Executive, and the Judicial powers have upon each other.

Men seldom act without a motive, and there is no motive for the rulers under this Constitution to influence them to any despotic measures; for they must individually feel the effect of every oppres-ive law that they may make; for as members of the same great family, they are liable, at short intervals, to be reduced to the condition of private citizens.

The two branches of the Legislature are checks upon one another, by requiring a concurrent vote; and upon the Executive, by withholding supplies; and the Judiciary, which is the most independent branch of the government, is a check upon both the Legislative and the Executive; for no rule of the Legislature can take effect without the sanction of law, of which the Judiciary is the judge, and the Constitution is the supreme law of the land.

The Judges themselves are liable to impeachment by the House of Representatives; and to trial by the Senate.

2. This Constitution secures the rights of the people in two ways.

1. By securing the rights of the several states.

Congress cannot take from the several states any power or right that is not surrendered by the Constitution, and yet every state has the same protection from the general government.

2. Every native citizen of the United States is capable of being elected to any office.

Every district has a representative in the councils of the nation.

The different orders of men, as farmers, mechanics, merchants, lawyers, ministers of reli-

gion, soldiers, and sailors, may be represented by men of their several professions.

The proceedings and debates are mostly public, and the Representatives are dependent on their constituents for their continuance in office.

CHAPTER VIII.

OF THE ADMINISTRATION OF JUSTICE.

The first maxim of a free state is, that the laws be made by one set of men, and administered by another; or, in other words, that the *legislative* and *judicial* characters be kept separate.

The reason of this maxim is, that the laws may be impartial and universal in their formation, and that they may be executed without any regard to the persons whom they may affect.

The legislators know not the individuals upon whom their laws may operate; consequently, they will be influenced by the universal tendency of their acts, which will produce impartial, and commonly advantageous regulations.

If the existing laws do not punish an offender, let him go unpunished, and let the legislature provide for future crimes, by enacting such laws, as will punish all hereafter who may be guilty of the same offence.

The next security for the impartial administration of justice, is the independence of the judges. To make this independence complete,

they should not be removed from office unless by impeachment and conviction of immorality; and the salaries of their office should be certain, and sufficient to secure men of the most eminence in the legal profession.

A third precaution is, to increase the responsibility of individuals, by having a small number of judges.

A fourth requisite in the constitution of a court of justice is, that its proceedings be carried on in public; for a corrupt judge will fear to indulge his dishonest wishes in the presence of a public assembly.

When there are several courts in a country, independent of each other, there should be one supreme tribunal, whose sentence should be final.

There are two kinds of judicature; the one, where the office of the judge is permanent, the other, where the judge is chosen by lot. The one may be called *fixed*, the other, *casual*.

These two are often united; as when causes are tried by a jury, with the assistance of a judge.

The judge imparts to the jury the benefits of his erudition and experience, and the jury, by their disinterestedness, check any corrupt partialities, which previous application may have produced in the judge.

Next to the constitution of courts of justice, we are naturally led to consider the maxims which ought to guide their procedings; particularly with respect to former determinations or precedents. Such precedents, as have been confirmed by repeated adjudications, and are

not manifestly erroneous, must influence courts in their decisions; that where there is no express statute, the judges may be bound down by positive rules; and that the subject may know beforehand how to act, and what to expect.

Diminishing the danger of partiality is one thing gained by adhering to precedents; but this is not the principal thing. The subject of every system of laws must expect that decision in his own case, which he knows that others have received in similar cases.

CHAPTER IX.

CRIMES AND PUNISHMENTS.

The proper end of human punishment, is the prevention of crimes. The fear that a criminal may repeat his crimes; or that his example may encourage others; is the reason of punishments by human laws. Crimes are not punished in proportion to their guilt only, but also in proportion to the difficulty and the necessity of preventing them. Crimes must be prevented; and whatever means are necessary to this end, must be adopted. The facility with which a crime is perpetrated, makes it necessary to aggravate the punishment. But how much the detection of an offender is more difficult, by so much the more severe must be the punishment when he is detected.

There are two methods of administering penal justice.

The first method assigns *capital* punishment to few offences, and inflicts it invariably.

The second method assigns *capital* punishments to many kinds of offences, but inflicts it only upon a few examples of each kind.

The practice in this country varies in different states, but in most it admits of few capital punishments; which are commonly inflicted; though in some states the governor, and in others the legislature, has the power of granting pardons; but these are seldom obtained, and are not often expected.

Aggravations which ought to guide the magistrate in his selection for condign punishment, are, *cruelty*, *repetition*, and *combination*.

In crimes committed by a multitude or gang, it is proper to separate the ringleader from his followers, the principal from his accomplices, and even the person who struck the blow, broke the lock, or first entered the house, from those that joined him; and this to prevent confederacies, for want of a leader.

In estimating the comparative malignancy of crimes of violence, regard is to be had to the fright, the alarm, and to the consequences that may attend upon future attempts of the same kind.

Of frauds or injuries effected without force, forgeries, counterfeiting, diminishing the coin, and the stealing of letters in the course of their conveyance, are among the most injurious, as they affect the prosperity, if not the existence, of commerce.

Perjury is another crime of the same class, and greater in magnitude. This endangers pro-

perty, reputation, and life; and deserves punishment equal to that of the worst kind of frauds.

The obtaining money by secret threats, deserves to be reckoned among the worst species of robbery.

The ends of punishment are amendment and example.

As a reforming punishment, solitary confinement has proved most salutary.

The *certainty* of punishment is of more consequence than its *severity*, for criminals do not flatter themselves so much with the lenity of the sentence, as they do with the hopes of escaping.

The community often suffers from the weak timidity of juries, who think it wrong to condemn a man, when there is the least possibility of his innocence. I do not mean that they should "weigh probabilities in gold scales;" but when the preponderance of evidence is so manifest as to persuade every private understanding of the prisoner's guilt, and when there is no reasonable cause to doubt, the public must suffer by excessive lenity.

There are two popular maxims, that have had great influence in producing injudicious acquittals. One is, that "*circumstantial evidence falls short of positive proof.*" A concurrence of well authenticated circumstances may give us the strongest testimony of a matter of fact. Circumstances cannot lie. The declaration of a witness, who swears to his knowledge of a transaction, may be intentionally false, or he may be deceived; but a connected chain of circumstances, by giving the strongest proof that the subject can admit of, will seldom deceive

us, and this is a better ground of reliance, in many cases, than the testimony of one who declares himself to have been an eye-witness of the transaction.

The other maxim is, "*That it is better that ten guilty persons should escape, than than one innocent man should suffer.*" If by saying it is *better*, be meant that it is more for the public advantage, the proposition, I think, cannot be maintained. Property and life are protected by fear of punishment. The misfortune, or even the death of an individual, cannot be placed in competition with the safety of the public. When, then, certain rules of adjudication must be pursued, when certain degrees of credibility must be accepted, in order to reach the crimes, by which the safety of the public is endangered, courts of justice should not be deterred from the application of these rules by the mere possibility of confounding the innocent with the guilty. They ought to reflect that he who falls by a mistaken sentence, may be considered as falling for his country; while he suffers under the operation of those rules, by the tendency of which the safety of the community is maintained.

CHAPTER X.

OF RELIGIOUS ESTABLISHMENTS, AND OF TOLERATION.

The notion of a religious establishment comprehends three things, viz.

1. A clergy, or order of men secluded from other professions, to attend upon the offices of religion.

2. A legal provision for the maintenance of the clergy.

3. The confining of that provision to the teachers of that particular denomination of religion.

A religious establishment is not a part of Christianity; but only the means of inculcating it.

If Christianity could not be supported without an establishment, it would be the duty of the government, for the security and protection of itself, and for the preservation of the morals of the people, to make an establishment. There is such an intimate connexion between the precepts of Christian morals and the happiness of civil society, that, in a civilized state, one cannot exist to any extent without the other. We lay it down, then, as a maxim, that Christianity must be maintained, for the maintenance of public morals.

Establishments have their advantages, but these are more than counterbalanced by their disadvantages. Christianity not only subsisted, but made great progress in the world, before it had the countenance of any civil government; which is an evidence that even civil protection is not necessary to its support.

The experience we have had in this country is of short duration; but so far as an argument may be drawn from this experience, it is an evidence, that Christianity has no need of an establishment, either for its protection or for its prootmion.

The constitution of this country prohibits the establishment of any religion; so that as long as that instrument remains in force, we are in no danger of seeing any particular sect incorporated with the government. Every man is allowed to worship God according to the dictates of his own conscience, and to give his aid to promote the religion of his choice. This may not secure to religion so many learned teachers; but it will procure from them more faithful and zealous services. The teachers may not have so good a maintenance; but they will not be the less useful.

Different sects may contend; but as they stand on the same legal foundation, they are subject to no civil restraint; and truth may be more effectually developed by their investigations. Though Christianity may be attacked with impunity, yet from this it has lost nothing; for its adversaries have always been put to silence.

Some objections have been made to our national constitution, because it does not recognise within itself the existence of a divine providence, nor requre the legislators to express an acknowledgment of the being of a God. This may be more objectionable in form than it is in fact. He who denies the existence of a God, would have no fears in making a false declaration; and the man who believes in this truth will act in conformity with it, as well without as with such a declaration. Nothing, then, would be gained to the security of the government or the nation, by any change in this respect.

As our national constitution now stands, it confines its regulations entirely to civil matters, leaving religion to the dictates of the people's consciences. It calls no man to an account for his religious profession or practice; but admits, as citizens and rulers, with equal rights and privileges, men of any or of no profession of religion. Experience alone must determine the propriety of this novel experiment in national jurisprudence. Thus far this nation has experienced no inconvenience from this state of things; nor is any evil of a serious nature to be apprehended.

Religion being left to the voluntary choice and support of every individual, makes as much progress in the reformation of the morals of men in this country, as it does in those nations where it is incorporated with the government; and by abstracting it from civil institutions, the machine of civil polity is rendered more simple, and less liable to embarrassment by the diminution of the number of its parts—In those nations whose religion is incorporated with their civil constitutions, convulsions in religion, or even a change in externals, may endanger the security of the government; but in this country, divisions, contentions, and revolutions may take place in religion, and not sensibly affect the civil regulations nor the prosperity of the country, only as they affect the morals of the people.

On the whole, we may safely say, that religion is left as it ought to be—to the dictates of every man's conscience, and under the guidance of that protecting mercy, that first planted, and still continues to nourish it.

CHAPTER XI.

OF POPULATION AND PROVISION, AND OF AGRICULTURE AS SUBSERVIENT THERETO.

1. THE first object of all rational politics is, to produce the greatest quantity of happiness in a given tract of country.

2. Although we speak of *communities* as sentient beings, nothing really exists or feels, but *individuals*. The happiness of a people is made up of the happiness of single persons, and the quantity of happiness can be augmented only by increasing the number of individuals, or the pleasure of their perceptions.

3. Notwithstanding that plenty, freedom, and security, may vary the quantity of happiness enjoyed by the same individuals, yet in most civilized countries, it may be affirmed; that the quantity of happiness produced in any given district, so far depends upon the number of inhabitants, that the collective happiness will be nearly in proportion to the population; so that twice the number of inhabitants will produce twice the quantity of happiness. There may be exceptions, but as a general rule, it may be assumed in all political deliberations; that a larger portion of happiness is enjoyed by *ten* persons, possessing the means of healthy subsistence, than can be enjoyed by *five* persons, under every advantage of power, wealth, and affluence.

The quantity of happiness in any given district may be estimated by the number of inha-

bitants—consequently, the decay of population is the greatest evil that a state can suffer, and the improvement of it, the great object to be aimed at.

Whatever tends to make a people happy, has a tendency also to make them more numerous; so that the population and happiness of a state are reciprocal.

Nature has provided for an indefinite number. From a single pair, mankind have increased to their present number. In countries favourable to human subsistence, the population has been doubled in twenty years.

The fundamental proposition that must guide every endeavour for the improvement of population is this:—"Wherever the commerce between the sexes is regulated by marriage, and a provision for that mode of subsistence to which each class of the community is accustomed, can be procured with ease and certainty, there the number of the people will increase; and the rapidity, as well as the extent, of this increase, will be proportioned to the degree in which these causes exist."

1. The proposition asserts "the necessity of confining the intercourse of the sexes to the marriage state," for it is only in that union that the intercourse is most prolific.

2. The second requisite is, "the ease and certainty with which a provision can be procured, for that mode of subsistence to which each class of the community is accustomed." This implies, not subsistence merely, but that mode of subsistence which custom has established in any country.

Luxury, with respect to population, acts by two opposite effects, first, to a certain extent, it supplies employment and promotes industry, and thus assists population; but when certain limits are passed, it decreases population, by diminishing marriages, on account of the expense of supporting families.

Luxuries are least injurious to population that afford employment to the greatest number of artists.—The condition most favourable to population, is that of a laborious and frugal people. In a country like America, where land is cheap, and can be obtained by every industrious man, agriculture should be the first object of attention, not merely on account of its tendency to augment population, and to afford a supply of necessaries for the inhabitants, but to have the means of exchange for the products of foreign nations. This will secure a supply for domestic consumption, if the season be less productive than usual; and in ordinary seasons it will afford the means of purchasing the productions of foreign countries, and thus give encouragement to commerce. Agriculture and commerce mutually assist each other, and both deserve the encouragement of the people of this country, for without an efficient agricultural population, there would be little to carry to foreign markets; and without commercial enterprise, our surplus products would perish at home. Commerce is advantageous also, for the training of seamen, to arm our navy in time of war, when it must be enlarged for the protection of an extensive sea-coast, as well as for the protection of our trade.

Manufactures are important for the employment of a portion of the population, even in time of peace, but very necessary in time of war, when foreign manufactured goods cannot be obtained, and when our raw materials must be left to perish on our hands, if there are not experienced workmen to manufacture them. It cannot be expected, that a country so extensive, and thinly populated as this is, should vie with those of Europe and Asia in the manufacture of every article: but the progress already made, and continually making, is useful to secure to us a necessary supply, in case of a foreign war.

Agriculture is, as it ought to be, the principal employment of the inhabitants.

Emigration.—This is caused by the overflowing or the desertion of a country. From this country very few emigrate to foreign nations, and of course, this subject must be viewed by us very differently from what it is by European writers. The question with us is, how far the emigration from foreign nations should be encouraged? In point of population we derive from it a rapid increase. From this source, likewise, we obtain many experienced and useful manufacturers and agriculturalists, but we must add, that from emigration we derive also a large proportion of vagrants and the inhabitants of our prisons. Some emigrants come to this country with such attachments to their own, as make them very useless, if not injurious citizens; while others bring with them such habits of vice, as to render them

detrimental to the interests of the country. It is thought, however, that, on the whole, this country is the gainer by the introduction of European emigrants. This may be true in degree, but probably not to the extent anticipated by the advocates of this species of population. The proportion of virtuous emigrants is too small, to make them, in a national point of view, of so much importance as they have been sometimes thought to be. Our extensive country is rapidly peopling by our own countrymen, whose education and habits fit them better to give stability to our republican government, than the education and habits of foreigners.

Money.—Where money abounds, the people are generally numerous, yet gold and silver neither feed nor clothe mankind. Money is useful only as it excites to industry. When it is imported from abroad, it is an evidence, that the fruits of industry have been sent abroad for its importation, and it is useful by encouraging employment.

The treasure that belongs to a country, by the possession of mines, or by exacting tribute from foreign dependences, rather impoverishes than enriches a nation; as may be seen in the case of Spain, since the acquisition of the South American dominions.

The balance of trade with any foreign nation, is said to be against, or in favour of a country, as it tends to carry money out, or to bring it in, that is, according as the price of the imports exceeds, or falls short of the price of the exports.

Taxation.—Taxes should be so adjuste , as to give the least possible obstruction to the means of subsistence, by which the mass of the community is maintained. Taxes ought not to be proportioned to what a man has, but to what he can spare. A man who possesses a thousand pounds a year, can more easily give a hundred, than a man with a hundred pounds a year can part with ten. Luxuries should be taxed before the necessaries of life, because a tax upon luxuries falls upon that class of men who can best spare it. Vices also should be taxed, and as this cannot be done directly, without giving some countenance to them, it should be done indirectly, by taxing the instruments and means, by which they are indulged; for instance, a tax upon taverns may prevent vice, by increasing the expense and limiting the number; but perhaps a better way would be to impose a tax upon spirituous liquors, to raise a fund either for the encouragement or maintenance of the industrious poor.

Exportation of Corn.—This is advantageous to a newly settled country, for the encouragement of agriculture, and for the improvement of commerce. It is not injurious to any country, unless there is danger of a scarcity, when it can be prevented by salutary regulations.

The exportation of corn is ordinarily the means of securing a supply at home, for a surplus will then be sown, generally sufficient to meet the occasions of unfavourable seasons; when if only a supply for domestic consumption was provided for, there would be danger of a scarcity.

Abridgment of labour, by mechanical inventions, is undoubtedly advantageous to this country, on account of the expense of labour.

This has been found not to diminish the demand, nor the price of labour, even to England; for it has given to the manufacturers an advantage in foreign markets, by enabling them to undersell their neighbours.

Agriculture should be the great employment of the people of this country, for we have plenty of land, and a fertile soil, which is adapted to a very great variety of the products of the earth. Besides, agriculture is the most conducive to a healthy, vigorous, and virtuous population, and the most rapid increase, by the encouragement it gives to early marriages; and virtuous and able-bodied yeomanry are the strength and defence of the country, and on this account, agriculture is always to be encouraged.

CHAPTER XII.

OF WAR AND MILITARY ESTABLISHMENTS.

Though war is among the most severe chastisements of nations, and on that account it is ascribed in Scripture to the operation of lawless and malignant passions, yet the profession of a soldier is nowhere forbidden nor condemned in the Bible.

When the soldiers demanded of John the Baptist, 'And what shall we do?' He said unto them, *Do violence to no man, neither accuse any falsely, and be content with your wages.*

It was of a Roman centurian, that Christ pronounced that memorable eulogy, *I have not found so great faith, no, not in Israel.*

The first gentile convert, Cornelius, held the same station. These are among the reasons that justify war.

War may be considered with a view to its *causes*, and to its *conduct*.

The justifying *causes* of war are, deliberate invasions of right, and the necessity of maintaining such a balance of power among neighbouring nations, as that no single state, or confederacy of states, be strong enough to overwhelm the rest.

The *objects* of war are, precaution, defence, or reparation.

Every just war is a defensive war; for every just war supposes an injury perpetrated, attempted, or framed.

Unlawful motives of war are, family alliances, personal friendships, personal prejudices, or quarrels, internal disputes of other nations, extension of territory, or trade, and the weakness of a neighbouring nation.

2. If the cause and the end of a war be justifiable, all the means that appear necessary to the end, are also justifiable. The license of war, however, authorises no acts of hostility but what are necessary or conducive to the end and object of the war. Gratuitous barbarities, as the slaughter of captives, the violation of women, the profanation of temples, the demolition of public buildings, libraries, and statues, are *never* justifiable.

The license of war acknowledges *two* limita-

tions: it authorizes no hostilities that have not an apparent tendency to effectuate the object of the war. It respects the positive laws, that the customs of nations have sanctified. War should be the last resort of a nation. Sacrifices should be made for the sake of peace. A nation at war is not only bound to mitigate its evils, by principles of humanity, but to bring it to a termination as soon, and with as little loss of blood and treasure as may be possible; for it is an evil at best, that has no remedy but peace; which is above all to be desired, and sought after, as the best means of human happiness.

THE END.

QUESTIONS

FOR

PALEY'S MORAL PHILOSOPHY,

ABRIDGED.

BOOK I.

CHAPTER. I.

WHAT is moral philosophy?
Of what use is the study of this science?
What are these rules?

CHAPTER. II.

What is the law of honour?
What does this prescribe and regulate, and what does it omit?
To what is the law of honour favourable?

CHAPTER. III.

In what does the law of the land consist?
Why is this necessary?
What may be said of that part of mankind who are beneath the law of honour and the law of God?
How many defects have human laws?
What is the first?
What is the second?
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CHAPTER. V.

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What are the reasons against it?
What upon the whole can we say of this question?

CHAPTER VI.

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What then do we mean by the term happiness?
To explain this what must be shown?
1. In what does not happiness consist?
What is meant by the pleasures of sense?
What is said of their duration and of their repetition?
What of eagerness for intense delights?
What of expectation?
What of men who pursue pleasure the most eagerly?
2. In what does not happiness consist?—and why?
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3. In what does not happiness consist?
What is said of superiority?
What of the shepherd and the nobleman?
What pleasures are common to all stations?
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What is said of the pleasure of success?
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What is said of the end and the satisfaction?
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Mention particular instances.
What is said of the mind?
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What is the art in which the secret of human happiness in a great measure consists?
What is said of the epicure and the peasant?
What is said of the indulgent and the judicious mother?
What of the student?
How do circumstances of fortune afford the enjoyment of pleasure?
Give an example.
4. In what does happiness consist?
What do you understand by health?

What does this give?
How is health in this sense considered?
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How is it best preserved?
What can give us happiness under the pains of disease?
Why is this to be sought?
What is the conclusion?

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What is virtue?
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What is the motive?
What is the most common division of virtue?
What are duties to God?
What are duties to man?
What are duties to ourselves?
Recite the duties to God.
Recite your duties towards your neighbour.
What has much influence upon our actions?
How are we determined in ordinary cases?
On what occasions do we deliberate?
Where, then, is the exercise of virtue, or the guilt of vice?
How will a man of confirmed good habits practise virtuous actions?
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What are commonly called habits?
What others are such?
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What is the first proposition that relates to a state of happiness, upon the principles of Scripture morality?
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Give the example.
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Give the example.
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Where and by whom is this expressly laid down?
Recite the passage.
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BOOK II.

CHAPTER I.

What answers are sometimes given to the question,—why am I obliged to keep my word?
What is first observable?
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CHAPTER II.

When is a man said to be obliged to do any thing?
What must the motive be?
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Recite the example.

CHAPTER III.

Why am I obliged to keep my word?
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What is it to inquire what is our duty in any instance?
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What is the object of both natural and revealed religion?
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What is the method of coming at the will of God concerning any action by the light of nature?
On what presumption does this rule proceed?

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Suppose he had wished our misery?
Suppose he had been indifferent?
What does contrivance prove?
Is evil the object of contrivance?
Give the reason?
How would you describe instruments of torture?
What is said of the anatomist?
What does it appear that the world was designed for?
What of evil then?
What doth God will?

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What of the agent?
How are actions to be estimated?
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Mention some things that may appear useful that are not so.
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How shall we understand this subject?
What is the particular bad consequence of an action?
What is the general bad consequence of an action?
What is the particular bad consequence of the robbery above mentioned?
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What may be said of an action when the general consequence is evil?
What does this solution suppose?

CHAPTER VII.

What may be said of the same sort of actions?
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What are necessary to every government?
Why?
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What is said of right and obligation?
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On what did moral obligation depend?
What is said of its correlative?
What does right signify?
Of what quality is right?
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What are adventitious rights?
Examples.
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Why does God will the existence of civil society?
What follows?
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What are unalienable rights?
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In what cases is it alienable?
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When the right is imperfect what is the obligation?
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What protect perfect rights?

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What is meant by general rights?
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What is the second general right?
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What is the most substantial reason?
Was this the first Scriptural sanction given for the use of animal food?
What is said of wanton or studied cruelty to brutes?
What seems to have been the intention of the Almighty?
Is it right to diminish the stock of human sustenance?
What other conclusion do we deduce from the same intention of the Almighty?
What ought to be considered as public property?

What may be said of navigable waters?
When is the right of necessity to be claimed?
What is meant by this?
Examples.
When and to what amount is restitution to be made?

BOOK III.

PART I.

CHAPTER I.

Recite the example given for the institution of property.

CHAPTER II.

What are the advantages that justify the institution of property?
What is said of the earth in this climate?
What should we have if we trusted to the spontaneous growth of the soil?
Suppose the products of the earth were common property?
Examples.
What would be the consequence when there was not enough for all, and no laws to protect property?
In how many ways does the institution of property improve the conveniency of living?
What is the first?
Example.
How are men enabled to excel in the arts?
What is the second?
What are the consequences of property?
What of the balance?
How is the evil of the inequality of property to be mitigated?
Is it practicable to prevent it entirely?

CHAPTER III.

What were the first objects of property?
What were next and afterwards?
What composed much of the wealth of the patriarchs?
What caused wells to be much valued?
What is the first division of land that we read of?
What is said of more populous countries, as Egypt?
What is said of the people of Egypt in the time of Joseph?
How long did property in moveables at first continue?
How was it with property and lands?

CHAPTER IV.

What is the question?
Recite the different opinions of moralists.

What is the intention of God?
How is this intention fulfilled?
What is consistent with the will of God?
Show why a man may possess the share which these regulations assign him.
On what does not a right to an estate depend?
On what does it depend?
Has a man a moral right to all that the law will give him?
What if a man pleads the words against the intention of a law?
Examples.

CHAPTER V.

How is the subject of promises considered 1. 2, 3.?
1. Whence arises the obligation to perform promises?
From what do men act?
How is expectation determined?
What is essential to human intercourse, and why?
Example.
2. In what sense are promises to be interpreted?
Is it the sense in which the promiser intended?
Is it the sense in which the promisee received it?
What then?
Example.
On what does the obligation depend?
What then is a promise?
What are tacit promises?
Example.
1. In what cases are not promises binding?
What if the promiser knew of the impossibility?
Example.
What if the promiser voluntarily occasions the impossibility?
Example.
3. What promises are not binding, and why?
Recite the two cases.
What is the reason?
What of unlawful promises?
Examples.
The reason.
Does this rule extend to imperfect obligations?
Example.
Suppose two promises are contradictory?
Why ought the reward of a crime to be paid?
Does an unlawful motive destroy the obligation?
Example.
3. What promises are not binding?
The reason.
4. What promises are not binding?
The reason and example.
5. What promises are not binding?
Example.

In what case is not a promise released?
6. What of erroneous promises?
Case first.
Example.
Case second.
Example.
What is the foundation of this rule?
Exception.
What has been controverted?
Example.
The good consequence.
The bad consequence.
What are vows, their obligation, and their principles?
What is the violation?
The rules.

CHAPTER VI.

What is a contract?
The obligation, &c.
What is deemed a part of the contract?
What are the several kinds of contract?

CHAPTER VII.

What is the seller bound to do?
How is this proved?
What is the exception to this rule?
Examples.
What is said of passing bad money?
What is a fair price?
What does a trader engage?
Why does it become a contract?
Suppose the seller disclaim such an engagement?
When lost what determines who shall be the loser,
When does the seller abide the loss?
Example.
When does the buyer undertake the risk?
Example.
What regulates the construction of mercantile concerns?

CHAPTER VIII.

What are contracts of hazard?
What is the rule?
Examples—from gaming—speculation in stocks.
What is necessary in insurance?

CHAPTER IX.

What is inconsumable property?
When must the lender bear the loss?
Example.
When must the borrower make it good?

Example.
When must the hirer take the consequence?
When the owner?
Example.
When is the tenant entitled to a discharge or abatement?
When ought the advantage to be the owner's?
What is the reason of this?

CHAPTER X.

What may be said of the prohibition of the law of Moses, to lend money for interest?
How is the rate of interest in most countries regulated?
What was the Roman law, that of Justinian, the statute of Elizabeth, of James I., Charles II., Queen Anne?
In the United States?
What is the policy of these regulations?
What is said of compound interest?
By what is the borrower bound?
When is it wrong to imprison for debt?
When is it right?
How is the confinement of a debtor to be understood?
What is repugnant to humanity and justice?
What would be the effect of depriving the creditor of the power of coercion?

CHAPTER XI.

What ought service to be?
What must determine the treatment of servants?
What commands of a master is a servant not bound to obey, and why is he not?
How ought clerks and apprentices to be employed, and why?
Who is accountable for the conduct of a servant, and the reason for it?
Examples.
What is said of giving recommendation to servants?
What is said of refusing a recommendation to a good servant to retain him?
Who is culpable for permitting vices among his domestics?
What are the Scriptural directions relating to masters and servants, and their advantages?

CHAPTER XII.

When one man undertakes another's business, what does he virtually promise?
What does this rule define?
How will the latitude allowed to agents vary?
When would an attorney desist from proposing the price he was directed to propose?

What may be said of an officer of an army?
If an agent act without pay, who is to bear the loss?
If the agent is hired?
Who are of this class of agents?
What will bind the agent without custom?
Example.
What of caution on the part of the owner?
When must the loss fall upon the owner?
When has the agent no claim upon his employer?
The reason.
When a man undertakes a dangerous employment for reward?

CHAPTER XIII.

What is the rule of partnership, where one partner contributes money, and the other labour?
Example.
What if nothing is gained?
Are all the partners bound by what any one of them does, and way?

CHAPTER XIV.

In what offices is there a contract with the founder, and another with the electors?
What does the contract with the founder oblige the incumbent to do?
What is the contract with the electors?
What office may not be supplied by deputy, 1, 2, 3, 4?

CHAPTER XV.

What is a lie, and the reason of it?
What falsehoods, in the first place, are not lies?
Why are they not?
In the second place.
What is allowed by the laws of war?
What is said of exaggeration?
What is the tendency of *white* lies?
What is the effect of habit?
What are pious frauds?
What Scriptural law do they violate?
What is it that makes the lie?
When do we wilfully deceive?
What sense must we attach to words?
In what cases may a man tell a lie?
What is said of lies of omission?

CHAPTER XVI.

How are oaths considered?
Of what does the form of oaths consist?
Among the Jews—in Scotland and New England—among the Greeks and Romans—in England?

What is said of the frequency of oaths?
What is the signification of an oath?
On what do Quakers and Moravians found their scruples concerning the lawfulness of oaths?
Why does not this prohibition relate to judicial oaths?
How does it appear that judicial oaths are not sinful?
How are the words of St. James to be interpreted?
When are oaths nugatory?
What is said of the sin of perjury?
What are evidences of the solemnity of such obligations?
When are promissory oaths not binding?
In what sense are oaths to be interpreted?

CHAPTER XVII.

What does a witness swear?
What is said of designed concealment?
What exception is there?
What is said of the law of England?
To what is this exception confined?
What is said of a point of honour, &c.?
By what is this exception withdrawn?
What is said of tenderness to the prisoner?
To whom ought a witness to submit his doubts?
Why is the answer of the court authority for the witness?

CHAPTER XVIII.

What is allegiance?
How is it considered?
What is express allegiance?
What oath must be taken, and by whom?
What oath is taken by foreigners to enable them to become citizens?
On what conditions may they be permitted to take this oath, and before whom is it to be taken?
What is implied allegiance?
Who has the power of passing laws of naturalization?
What does allegiance forbid?
What does it not require?

What is said of chapters XIX, XX, XXI, and XXII.?

CHAPTER XXIII.

What is a will?
What does the law of nature suggest?
What may be said of wills?
What does Tacitus relate?
In whose reign were lands first devised in England?
What are the advantages of wills?
Suppose the will fail through informality?

What is said of a man's fortune when it is the produce of his own industry?
Why is a man bound to provide for his own relations?
What is said of a man's neglecting to make a will?
To whom are left the laws relating to wills?
What is said of the civil law?
Where no will is made, what is to be done?
What proves the right of descent where no will is made?
What is the rule for the interpretation of wills?

BOOK III.

PART II.

CHAPTER I.

What do you mean by charity?
What is charity in this sense?
What will direct our behaviour towards our superiors and towards our equals?
What must regulate our conduct towards them that are dependent upon us?
The three principal mothods of promoting the happiness of our inferiors?

CHAPTER II.

What may be said of our obligation to our domestics and dependants?
What mistake is mentioned?
What does their industry?
What does the rich man?
What is manifestly wrong?
What by this rule are we forbidden 1st, 2d, 3d, and by the same principle?

CHAPTER III.

What of the prohibition with respect to slaves?
What is slavery?
From what three causes may this arise?
What of the continuance?
When ought it to cease?
What is said of the African slave trade?
How are the Africans obtained?
How are they treated during their voyage and after they are landed and afterwards?
What is said of the humane master?
What is said of sudden emancipation?
Who is not to be blamed?
Who is to be blamed?

In what manner should the emancipation of slaves be carried on?
What has produced some effect
What slavery and tyranny ha e declined before the power of Christianity?
What good effects are seen from the influence of religion?

CHAPTER IV..

What kind of beneficence is chiefly to be expected from professional assistance?
What ought to be the principal care of all laws?
For what reason?
Who will deserve well of a large class of the community?
What produces the distresses of the poor?
Plan for diminishing these distresses.
What profession has the power of doing most good at the least expense?
The reason.
How can the lawyer assist the poor?
How can the minister of religion influence the morals of the poor?
What is their chief concern?
When do they confer upon the poor the best of charities and why?

CHAPTER V.

How is the subject of pecuniary bounty considered?
What claim have the poor?
Recite the description which Christ hath left us of the last day, and the other Scripture passages.
What principles have increased the charities of men?
How is this discoverable?
How many kinds of charity are mentioned?
What is the first?
The recommendation of this kind?
What is the second?
What argument is in favour of public charities?
Example.
What is the last and lowest exertion of benevolence?
What is a good rule?
When may money be given?
What is better?
Why do we right by giving?
What works of benevolence are mentioned?
What important question is stated?
What was our Saviour's sole design in directing alms to be done in secret?
What are proper motives for doing alms in public?
What rule may be of use?
What stamps the character?

Example.
What is the first pretence for refusing to give to the poor?
What is the duty of them who say it?
Second.
What is said of this pretence?
Third.
What does St. James say?
Fourth.
What might they as well say?
Fifth.
When is this a good plea?
Sixth.
What can habit do?
Seventh.
What is said of it?
Eighth, and the reason.
Ninth.
What is said of this?
Tenth.
When is this true?
Eleventh.
On what does the value of this excuse depend?
What keeps one half of the world from observing what the other half suffer?

CHAPTER VI.

How may resentment be distinguished?
What is anger?
What is revenge?
What are we bound to do?

CHAPTER VII.

Why is not all anger sinful?
1. When it is sinful, and the reason?
2.—and the reason.
What are the sedatives?
What is the great object?
What causes the great difference among mankind in this respect?
What is said of habit?

CHAPTER VIII.

What is revenge?
How is this passion known?
How is this viewed by the light of nature and the Scriptures?
Is revenge ever allowable?
Do these declarations and commands interfere with the prosecution of offenders?
Why may we withdraw from any when it may tender to discountenance a vicious practice?

What caution are we allowed to practise?
Example.
Where a benefit can be conferred upon one only?

CHAPTER IX.

Why is duelling absurd as a punishment?
Why is it no reparation?
What causes duelling?
How is the duellist guilty of murder and suicide?
What is said of duelling as a test of innocence?
As a test of courage?
What has the moralist to learn?

CHAPTER X.

What is said of living peaceably?
What does this exclude?
When may a law-suit be instituted, 1, 2, 3.?
To what must the prosecutor of an action confine himself?
What may *not* the contending parties do?
What in criminal actions?
In what degree is the sufferer bound to prosecute?
What ought not to be spared?
In what offences is there great merit in the prosecution?
What are reprobated, and under what rules?

CHAPTER XI.

What is gratitude?
What is said of gratitude and ingratitude?
Give another reason for cultivating a grateful temper.
What precept directs the command of gratitude to its proper object?
What cannot gratitude do?
What is indelicate and immoral?

CHAPTER XII.

What is speaking?
How is slander considered?
What is malicious slander?
What may vary the degree of guilt?
To what is the idea of slander confined?
What are offices of slander?
What are evidences of more deliberate slander?
In what does inconsiderate slander consist?
What is no answer to this crimination?
Example.
What is not slander?
What is the opposite of slander?

BOOK III.

PART III.

What is the foundation of marriage?
What are collateral to the subject of marriage?
What is consequential to marriage?

CHAPTER I.

What beneficial effects do marriage institutions promote, 1, 2, 3, 4, 5, 6.?

CHAPTER II.

What tendency has the crime of fornication?
What does it suppose?
What does it produce?
What may be said of the criminal commerce of the sexes?
What does it perpetuate?
How do the Scriptures rank this crime?
What are accessaries?
What does St. Paul say?
What falls within the same description?
Scripture passage.
How does Christ strike at the root of the evil?

CHAPTER III.

What is said of seduction?
How is the injury considered?
What is the injury to the woman?
How can the injury to the family be understood?
What should the seducer ask himself?
What is the loss to the public?
Suppose we pursue the effects of seduction?
What is said of the woman that tempts to guilt by wanton or careless deportment?

CHAPTER IV.

What is said of the guilt of adultery?
How is the infidelity of the woman aggravated?
What is said of the institution of marriage, and the vow?
What guilt does the married offender incur?
What is a barbarous intrusion upon the peace of a family?
What is the proper remedy?
What is said of the command of God?

CHAPTER V.

What is incest?
On what account is it necessary to inculcate an abhorrence of incestuous connexions?

What is forbidden by the law of nature?

CHAPTER VI.

What does polygamy violate?
What bad effects does it produce?
What do the passages in St. Paul's writings suppose?
Give an evidence of the moral tendency of Christianity.

CHAPTER VII.

What is divorce?
For what reason should the marriage contract be indissoluble?
Suppose the parties could be separated at will?
Why is the power of divorce to the disadvantage of the wife?
At what time does the law of nature admit of a dissolution of marriage?
Recite the Scriptural declaration.
What other cases are justifiable?
What may be said of the facility with which divorces are sometimes obtained?
What is said of the divine law?

CHAPTER VIII.

What has the marriage rite been made?
What three things are to be discovered?
What does the husband promise?
What does the wife promise?
What do both stipulate?
What do the parties engage?
What does St. Paul say?
When does a man act inconsistent with the marriage vow?
Of whom may this be said?
Can the same be said of the woman?
How is the marriage vow violated?

CHAPTER IX.

Under what heads may the duty of parents be explained?
Whose duty is it to maintain children?
Who then are guilty?
How do the Scriptures enforce this duty?
What is understood by education?
When is a child useless?
What is said of sending an uneducated child into the world?
What does this principle condemn?
Who are reprehensible in the middle order of society—the higher?
What three things does a reasonable provision for a child's happiness require?
What is a situation suitable to expectations?
In what class of society should a child be preserved?

What is said of daughters?
How will the parent endeavour to secure the virtue of his child?
What is the good parent's first care?
His second?
What should be done in regard to a profession?
What for a public education?
A private?
What of companions?

CHAPTER X.

What do the rights of parents result from, and why?
What of professions?
In a competition of commands between father and mother, which is to be obeyed?
In the case of the death of one parent?
In what cases have parents no natural rights?

CHAPTER XI.

How may the duty of children be considered, 1, 2, 3.?
What of children during childhood?
After they have attained to manhood, but continue in their father's family?
After they have attained to manhood, and have left their father's family?
With respect to marriage, or the choice of a profession?
Scriptural declarations?

BOOK IV.

Why is the division of duty to ourselves considered?

CHAPTER I.

When have we a right to kill an assailant?
To what cases is this liberty restrained?
To what cases does this rule apply?
What instance approaches nearest to the preservation of life?
In what cases is homicide justifiable, 1, 2.?

CHAPTER II.

How is drunkenness considered?
What are the mischiefs of drunkenness, 1, 2, 3, 4, 5, 6.?
The Scriptural prohibitions.
In what consists the guilt of a crime committed by a drunken man?
Why is it as punishable as if it had been committed by a sober man?

What is said of the appetite and habit?
How to prevent the habit?
What may assist in a reformation?
What of efforts?

CHAPTER III.

What causes suicide?
Suppose one man has a right to take away his own life?
Why would the general consequences of such a rule sanction the crime universally?
What is said of this life?
What does suicide occasion?
What Scriptures relate to the subject?
What do these passages imply?
What did Christ and his Apostles inculcate?
What of the practice of the Apostles and primitive Christians?

BOOK V.

CHAPTER I.

What is to be understood by duties towards God?
How is our duty towards God, so far as it is external, divided?
What does worship consist in?
What of reverence?
Examples.
What is divine worship made up of?

CHAPTER II.

What is said of the practice of prayer?
What of thanksgiving?
Why is prayer necessary?
On what does the duty of prayer depend?
What does the efficacy of prayer import?
To this what objection is made?
What is the answer to this objection?
What virtue is there in prayer which should make a favour consistent with wisdom, which would not have been so without it?
Answer, 1, 2, 3.

CHAPTER III.

What supplies the defect of natural reason?
Under what heads may the passages of Scripture that relate to prayer be placed?
What are the texts of Scripture that enjoin prayer in general?
What are the examples of prayer for particular favours by name?

What are the directions to pray for national or public blessings?
What are the examples of intercession?
What are the declarations and examples that authorize the repetition of unsuccessful prayers?

CHAPTER IV.

How is this chapter divided?
What are the peculiar advantages of private prayer
By what authority and example is this sanctioned?
What is the peculiar use of family prayer?
What are the uses of public worship?
Why is every member of society bound to attend public worship?
What is said of the pious man who stays at home for devotional exercises?
What of the general consequence?
What inspired injunction?
How will the disciple of Christianity consider the practice of the Apostles?

CHAPTER V.

What is the first advantage of a liturgy?
What is the second?
What is the first disadvantage?
What is the second?
How is the first disadvantage obviated?
What will remedy the second?
What is said of the Lord's prayer?
When did our Saviour authorize forms of prayer?
What are the properties required in a public liturgy?
What is said of the style of the liturgy of the Protestant Episcopal church, the enumeration of human wants and sufferings?
What is said of a Christian petitioner?
Why should it express just conceptions of the divine attributes?
What wants should it recite?
What form has the most merit?
What should a Christian liturgy express?
What should it be free from?

CHAPTER VI.

Why is it important to have the same time established for the purposes of religious worship?
To what does the regular return of a day of rest conduce?
What does Sunday give to all classes?
What to the brutes?
What has not been sufficiently considered?
What may we add to this?

CHAPTER VII.

By what authority was the Sabbath established?
What took place after the resurrection of Christ?
Scriptural evidence.
What of the apostolic practice?
How have the followers of Christ considered the first day of the week?
Why is it considered a law of Christianity?

CHAPTER VIII.

What are the uses proposed by this institution. 1, 2, 3.?
By what is the duty of this day violated, 1, 2, 3.?

CHAPTER IX.

What hath God forbidden, and in what language?
When is the name of God taken in vain?
To what do the words of Christ extend?
Scriptural prohibitions.
What are sacrificed by the profane swearer?
What does the profane swearer show?
What come within the prohibition of Christ?
What is said of levity?
Why should religion never be mentioned but with reverence?
Scriptural evidence.
What must be thought and spoken of with reverence, and why?

BOOK VI.

CHAPTER I.

What was government at first?
What at first supplied the foundation of civil government?
What contains the rudiments of an empire, and why?
What are the first and second stages?
What is the second source of personal authority?
How can a leader acquire ascendancy?
How may an hereditary government be introduced?
What presumption does our theory afford, and why?

CHAPTER II.

Where does the physical strength of every nation reside, and what do we find?
What must influence man to this?
How many and what leading motives are there?
How are they determined who obey from prejudice?
How does this prescription operate?

By what are they determined who obey from reason?
How are they kept in order who obey from interest?
What is the first caution—the second and third?

CHAPTER III.

From what may the duty of submission to government arise?
What of our situation?
Who formed the compact, and when?
What is this compact?
What is said of citizens by birth, naturalization, or otherwise?
To what is this compact subject, and why?
What if the rulers violate this compact?
What is the ground of obligation?
How is this argument stated?
When may a government be resisted?
In calculating the advantage or disadvantage of resistance, what must be taken into the account?
When peaceably established, on what account may it not be resisted?
What is said of departure from duty in rulers?
What is said of law or usage?
What is binding upon every part?

CHAPTER IV.

What passages of Scripture have been brought to prove the doctrine of passive obedience and non-resistance?
What is said of these passages?
What other duties are enjoined in the same manner, and by what passages?
What is said of the commands of masters, &c.?
What is said of the Apostles and primitive Christians?
What is said of these apostolic commands?
Where has Christianity left us, and why?

CHAPTER V.

What is civil liberty?
How are natural and civil liberty considered?
Where does the liberty of a state of nature exist?
How is the liberty of the individual augmented in civil society, and why?
What is natural, and what is civil liberty compared to?
What does the definition of civil liberty intimate, 1, 2, 3, 4?
What does this explain?
What does the subject lose, and what does he not lose?
What people are the most free?

CHAPTER VI.

Who is called the sovereign?
Why is it called the legislature?

From what does a government receive its denomination?
How many and what are the forms of government?
What is despotism?
What is aristocracy?
What is a republic?
What are the advantages of a monarchy?
What are the dangers of a monarchy?
What are the advantages of an aristocracy?
What are its disadvantages?
What are the advantages of a republic?
What are the disadvantages?
What is a mixed government?
Which is to be preferred, an hereditary or an elective monarchy?
What are the advantages of democracy not before enumerated, 1, 2, 3.?

CHAPTER VII.

What is the constitution of the United States?
For what was this constitution made?
How are the powers divided?
In whom is the legislative power vested?
What does congress consist of?
What does the senate consist of?
What are the qualifications of a senator?
Who is *ex officio* president of the senate?
What are the powers of the senate?
What does the house of representatives consist of?
What are the qualifications of a representative?
What are their powers?
What are the powers of congress?
What are the restrictions?
What are the states restrained from?
What is said of religion—freedom of speech—the press—the right to petition?
What of a soldier in time of peace?
What for a crime?
In whom is the executive power vested?
What are the qualifications for president?
By whom is he chosen?
The oath.
His powers.
What must he give and recommend to congress?
What receive?
For what crimes can any officer be removed from office?
What is said of the election of the vice president?
What is said of his power?
In what is the judicial power vested?
To what does the judicial power extend?

What of the trial of crimes?
What of powers not delegated to the United States?
What is treason?
What is said of conviction of treason?
What of new states?
What of the rights of the people?
The supreme law of the land?
What is said of this law—religious test?
How may the constitution be amended?
What are the peculiar advantages of this constitution, 1, 2.?
How does it provide for its own preservation?
The reason.
What is said of the two branches of the legislature and of the judiciary?
How does the constitution secure the rights of the people, and why?

CHAPTER VIII.

What is the first maxim of a free state?
What is the reason of this maxim?
What is said of legislators?
What if the existing laws do not punish an offender?
What is the next security for the impartial administration of justice?
How can this independency be made complete?
What is the third precaution?
What is the fourth requisite, and why?
What is necessary when there are several courts in a country?
How many kinds of judicature are there, and what is the difference?
When are they united?
What is the advantage of the judge, and what of the jury?
What maxims are next to be considered?
What precedents must influence courts, and why?
What are gained by adhering to precedents?

CHAPTER IX.

What is the proper end of human punishments?
What is the reason of punishments?
In what proportion are crimes punished?
What makes it necessary to aggravate punishment?
Why should the severity of punishment be increased?
What is the first method of administering penal justice?
What is the second?
What is said of the practice in this country?
What are aggravations?
What is said of crimes perpetrated by a gang?
How is the malignancy of crimes estimated?
What are the most injurious that are effected without force?
What other crime of the same class?

What is among the worst species of robbery?
What are the ends of punishment?
What has proved most salutary?
Which is of most consequence, certainty or severity; and why?
From what does the community often suffer, and when?
What is the first popular maxim that produces injudicious acquittals?
How can circumstantial evidence be more convincing than positive evidence?
What is the other maxim?
When cannot this proposition be maintained, and why?
How ought courts to reflect?

CHAPTER X.

What three things does the notion of a religious establishment comprehend?
What is a religious establishment?
What if Christianity could not be supported without an establishment?
Why?
What maxim is laid down?
What is the evidence that Christianity can be supported without an establishment?
What is said of the constitution of this country?
What is said of different sects?
What of attacks upon Christianity?
What objection has been made to our constitution?
How is this objection answered?
To what does the constitution confine itself?
What must determine the propriety of this?
What is said of nations whose religion is incorporated with their civil government?
What may we say on the whole?

CHAPTER XI.

What is the first object of all national politics?
What secondly?
What makes up the happiness of a people?
How can the quantity of happiness be augmented?
What may vary the quantity of happiness, and what may be assumed?
How is the quantity of happiness in any given district estimated?
What is the greatest evil that a state can suffer?
What is the greatest object to be aimed at?
In what time has population been doubled?
What is the fundamental proposition that must guide every endeavour for the improvement of population?

What does this proposition first assert?
What is the second requisite?
By what two opposite effects does luxury act?
What luxuries are least injurious?
What is the condition most favourable to population?
What should be the first object of attention in this country?
How will it give encouragement to commerce?
What is said of agriculture and commerce jointly, and the reason?
How else is commerce useful?
When are manufactures important and when necessary?
What farther is said of them?
What is the principal employment of the inhabitants?
What causes emigration?
What is the question with us?
What is said of the advantages and disadvantages of emigration?
What is thought on the whole?
What may be said of this?
What of the proportion of virtuous emigrants?
What is said of our own countrymen?
Where are people generally numerous?
For what is money useful?
What is said of the possession of mines?
When is the balance of trade said to be in favour of or against a country?
How should taxes be adjusted?
To what ought they to be proportioned?
Example.
Why should luxuries be taxed before necessaries?
How should vices be taxed?
Example.
How is the exportation of corn advantageous to a newly settled country?
When is it injurious to a country?
How does the exportation of corn prevent a scarcity?
What is said of abridgment of labour by machinery?
What in England?
Why should agriculture be the chief employment of the people?

CHAPTER XII.

How is war considered?
What is the Scriptural justification?
What are the justifying causes of war?
What war is just?
What are unlawful motives of war?
What is said of the means?